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Reference

Congressional Record

PROCEEDINGS AND DEBATES OF THE SIXTY-NINTH CONGRESS FIRST SESSION

SENATE

FRIDAY, February 26, 1926

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, Thou dost temper the wind to the shorn lamb and Thou art constant in Thine attention to our interests. We often fail to recognize Thee. We go into by and forbidden paths, and yet Thou art gentle and tender in Thy dealings with us. And so this morning, as we enter upon the duties awaiting our attention, we pray for Thine own guidance. Help us where we falter, give us wisdom where it is needed, and so direct our ways that whether we eat or drink or whatsoever we do we shall glorify Thee. Through Jesus Christ. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Wednesday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Bingham	Frazier	Mayfield	Sheppard
Blease	George	Means	Shortridge
Borah	Goff	Metcalf	Simmons
Bratton	Gooding	Moses	Smith
Brookhart	Greene	Neely	Smoot
Broussard	Hale	Norbeck	Stanfield
Bruce	Harrell	Nye	Stephens
Butler	Harris	Oddie	Swanson
Cameron	Heflin	Overman	Trammell
Capper	Howell	Pepper	Tyson
Couzens	Johnson	Phipps	Wadsworth
Cummins	Jones, Wash.	Pine	Walsh
Curtis	Kendrick	Pittman	Warren
Dale	Keyes	Ransdell	Watson
Dill	La Follette	Reed, Mo.	Williams
Edwards	Lenroot	Reed, Pa.	Willis
Ferris	McKellar	Robinson, Ark.	
Fess	McLean	Robinson, Ind.	
Fletcher	McNary	Sackett	

Mr. JONES of Washington. I desire to announce that the Senator from Maine [Mr. FERNALD], the Senator from Nebraska [Mr. NORRIS], and the Senator from Minnesota [Mr. SCHALL] are absent from the Senate on account of illness.

Mr. WALSH. I wish to announce that the junior Senator from Utah [Mr. KING] is detained by illness.

The VICE PRESIDENT. Seventy-three Senators having answered to their names, a quorum is present.

COLORADO RIVER BRIDGE IN ARIZONA

Mr. PITTMAN. Mr. President, on yesterday there was a discussion in the Senate with regard to a certain item in the conference report on the deficiency appropriation bill, dealing with the bridge across the Colorado River in the Navajo Indian Reservation. I knew very little about the question on yesterday. It was a matter that had never been discussed in the Senate before, to my knowledge. There was some discussion of it here yesterday. I have talked with some of my colleagues, and I found very few who knew anything about the matter. I consider it a matter of very great importance. I feel that a bridge should be built across the river at that point. Traffic is now served in that vicinity by a ferry, and the ferry is of very uncertain service. There are many times when it can not be used at all. There is a demand for transportation facilities at that point in the crossing of the river. In my opinion, the bridge will be of greater benefit to the Indians than anyone else directly. It will bring thousands of people to the reservation

who will supply the Indians with a local market for their products.

I wish to have the brief explanation made by the Member of the House who introduced the amendment read to the Senate for their information. It is very short. I ask unanimous consent that it may be read at the desk.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered.

Mr. ROBINSON of Arkansas. Mr. President, in that connection will the Senator permit me?

Mr. PITTMAN. Certainly.

Mr. ROBINSON of Arkansas. The bill authorizing the appropriation in question which was passed last year was favorably reported to the Senate by the Senator from Arizona [Mr. CAMERON]. I ask that the report on the bill made by the Senator from Arizona may be inserted in the Record in conjunction with the matter which the Senator from Nevada has asked to have read at the desk.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. PITTMAN. I now ask that the clerk may read as requested, commencing at the top of page 4563, first column, down to the end of the first column on page 4565.

The VICE PRESIDENT. The clerk will read as requested.

The Chief Clerk read as follows:

Mr. HAYDEN. Mr. Speaker, there has been a violent misrepresentation of the fact with respect to this reimbursable appropriation for the construction of a bridge across the Colorado River near Lee Ferry, Ariz. It has been repeatedly stated in another body and in some newspapers that we who are responsible for this appropriation are attempting to seize practically all of the funds now in the Federal Treasury to the credit of the Navajo Indians in order to build this bridge. I shall demonstrate that nothing could be further from the truth.

From some motive, which has not been entirely disclosed, those opposing this appropriation have seen fit to denounce the Assistant Commissioner of Indian Affairs, Mr. Edgar B. Meritt, because he appeared before the Committee on Appropriations of the House to answer questions regarding an appropriation which is authorized by law. In doing so these objectors have been careful to withhold some very material facts. They do not say that the act authorizing this appropriation of \$100,000 out of the Treasury of the United States, reimbursable from Navajo tribal funds, was passed by both Houses of Congress and became a law by the approval of President Coolidge on February 26, 1925. There is not even a hint that the estimate to carry out the provisions of that act was approved by the Commissioner of Indian Affairs, the Secretary of the Interior, the Director of the Budget, and finally by the President before it was transmitted to Congress. Why condemn Mr. Meritt just because he happened to be the one who appeared at a hearing as a part of the routine duties of his office?

If anybody is responsible for this situation, I am the man. I am not "passing the buck" to anybody and stand ready to receive all the criticism that has been directed at others. Those who are engaged in a general attack on the Indian Office are seeking to use this item as means of furthering their campaign to discredit that bureau. They do not say that I introduced the bill to authorize this appropriation; that I reported it to the House and urged its passage on this floor. They deal gently with me but roundly abuse Mr. Meritt and the other officials of the Interior Department. I protest against such manifest unfairness. When a Congressman stands sponsor for a bill he should be held strictly accountable and the blame, if any, should not be transferred to the shoulders of those whose only duty is to execute the laws passed by Congress.

I introduced the bill to authorize the construction of this bridge in good faith. I believed then and insist now that to build a bridge across the Colorado River about 6 miles below Lee Ferry will be of sufficient benefit to the Navajo Indians to justify this appropriation in the form in which it is made. One-half of the bridge will be within the Navajo Reservation, and that is why one-half of its cost is made a charge and lien against their tribal funds. The road leading to the

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bridge from the south will extend for 60 miles through the heart of the western Navajo Reservation, where over 6,000 members of that tribe reside. That part of the Navajo country, now inaccessible, will be opened by a main highway of travel, which will not only bring purchasers for all the products of the reservation but which the Indians themselves can and will use whenever they have occasion. That highway, the construction of which will require the expenditure of over a million dollars, will not cost the Navajo Indians one cent. The only contribution that they ever will be called upon to make is for one-half the cost of this bridge.

Mr. BLACK of Texas. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BLACK of Texas. I notice that this provision contemplates that this appropriation is to be repaid out of funds that may hereafter come into the Treasury to the credit of the Navajo Indians.

Mr. MADDEN. It does not make any charge upon the \$116,000 that the Navajo Indians now have in the Treasury.

Mr. BLACK of Texas. I know; but it makes a charge on the Treasury of the United States. What assurance have we that there will be this amount coming to the credit of the Navajo Indians?

Mr. HAYDEN. That is the very point that I was going to bring out in my next statement.

Mr. BLACK of Texas. Oh, I thought the gentleman was through.

Mr. MADDEN. I yield more time to the gentleman from Arizona to answer the question.

Mr. HAYDEN. I am sure that no one who is at all informed will dispute the fact that the Navajo country offers more inducements for the expenditure of money in prospecting for oil than in any other section of the great Southwest. The lack of a law to permit the drilling of oil wells on Executive-order Indian reservations is the only thing that stands in the way of great activity in many parts of a vast area now closed even tighter than though it were behind the great wall of China.

The former Secretary of the Interior, Mr. Fall, ruled that Executive-order Indian reservations were open to entry under the general oil leasing law of February 25, 1920. Prospecting for oil took place and discoveries were made. Then, by reason of an opinion of the Attorney General of the United States, reversing Secretary Fall's decision, all operations ceased. Later the Federal court in Utah decided that Secretary Fall was right, but the case has been appealed to the Supreme Court, so no one can tell what the final result will be.

In the meantime I have introduced an oil leasing bill that is now under consideration by the Committee on Indian Affairs, which, if enacted, will, in my opinion, make the Navajo Indians even richer than the Osages. I say that advisedly, having seen the limited area of the Osage oil lands and the great territory which is now occupied by the Navajos.

Mr. BLACK of Texas. But suppose no funds come in. It means that the United States is building a bridge out in Arizona out of funds from the United States Treasury.

Mr. HAYDEN. That question was thoroughly considered at the time the authorizing act was passed. The Committee on Appropriations has reported an appropriation authorized by law, and it is now too late to discuss the question raised by the gentleman from Texas.

Mr. MADDEN. It is not too late, but we are perfectly satisfied that there is a development pending.

Mr. BLACK of Texas. The reason I ask the question is that there are two bills now on the calendar that contemplate expenditures of this kind out in the State of Washington, to be made out of the Treasury of the United States. We have rivers in Texas that we would like to have dredged at the expense of the Federal Government.

Mr. MADDEN. The Navajo Indians have millions of acres of land in their reservation.

Mr. FREAR. Is it not a fact that in the Senate yesterday a bill was introduced to repeal the reimbursable feature of this proposition?

Mr. MADDEN. Yes.

Mr. FREAR. And that they were going to hold up this whole appropriation until that bill had opportunity to pass?

Mr. MADDEN. We have safeguarded that.

Mr. FREAR. How?

Mr. MADDEN. By making this appropriation a charge against the revenues of the Indians as they come into their possession.

Mr. FREAR. Mr. Speaker, who has the floor?

The SPEAKER. The gentleman from Arizona has the floor. His time is not exhausted.

Mr. FREAR. Mr. Speaker, will the gentleman yield?

Mr. HAYDEN. Yes.

Mr. FREAR. That particular charge yesterday at the other end of the Capitol was to the effect that not one Indian would cross this bridge in the course of a year, and the other day the same Senator stated that not 10 would. There were three gentlemen in the Senate who are familiar with the facts who stated that it is an iniquitous and unjust tax to take \$100,000 from the Navajo Indians to help build this bridge. Yesterday there was introduced in the body at the other end of the Capitol a bill to repeal the \$100,000 reimburse-

able feature of this bridge matter, and this item was to be held up in the Senate awaiting action upon that bill.

Mr. HAYDEN. Mr. Speaker, the Senate has been grossly misinformed as to the facts. But one side of the case has been presented. If a bill has been introduced, I hope that a hearing will be held where all the facts may be brought out.

What I resent most of all is the unfairness of those who oppose this appropriation. Every line that has been written, every word that has been said, would lead to no other conclusion than that it was proposed to take \$100,000 out of \$116,000 now on deposit in the Treasury to the credit of the Navajo Indians and use that money to build the Lee Ferry bridge. If such were the intention, Congress would do so directly, as is frequently done with appropriations from tribal funds, instead of making an appropriation and then providing for reimbursement.

The truth is that no such proceeding was ever contemplated. When the bill authorizing this appropriation was before the Committee on Indian Affairs and under consideration by the House no such representation was ever made. Upon the contrary, it was made plain to everyone that the actual date of reimbursement could not be foretold, but that there was every reason to believe that before many years there would be a large development of the oil resources of the Navajo country, and then, without inconvenience to the Indians, their proper share of the cost of this bridge could be repaid.

Let me repeat that this proposal does not and never has contemplated touching one dollar that is now in the Treasury to the credit of the Navajo Indians. If Congress intended immediate reimbursement, everyone who knows the facts is well aware that no part of the present \$116,000 could be taken, because there now exist prior claims to much more than that sum of money. I told the House a few days ago that there now exists a total charge of \$68,500 for bridges heretofore built in Arizona, the cost of which is reimbursable from Navajo tribal funds. I did not go beyond my own State at that time, but I have since checked up the expenditures that have been made in New Mexico, which I have tabulated, as follows:

Appropriations expended in New Mexico reimbursable from Navajo tribal funds

Bridge across San Juan River at Shiprock (38 Stat. L. p. 91).....	\$16,000.00
Mesa Verde-Gallup Highway (39 Stat. L. p. 144).....	15,000.00
Mesa Verde-Gallup Highway (39 Stat. L. p. 981).....	15,000.00
Bridge across San Juan River near Farmington (39 Stat. L. p. 926).....	25,000.00
Completion of Farmington Bridge (40 Stat. L. p. 576).....	4,000.00
Mesa Verde-Gallup Highway (40 Stat. L. p. 575).....	25,000.00
Mesa Verde-Gallup Highway (41 Stat. L. p. 18).....	25,000.00
Completion of Shiprock Bridge (41 Stat. L. p. 18).....	4,226.14
Mesa Verde-Gallup Highway (41 Stat. L. p. 422).....	11,000.00
Total.....	140,226.14

Annual appropriation of \$20,000, authorized for maintenance of Gallup-Durango Highway, reimbursable from Navajo tribal funds. (43 Stat. L. p. 606.)

Every cent of that money was spent under authority of law, which in each instance provided that the various sums should be reimbursable out of any funds to the credit of the Navajo Indians in the Treasury of the United States. These New Mexico appropriations will more than cover the entire amount of the present Navajo funds and, being ahead in the order of expenditure, will, of course, have priority in the time payment over the \$100,000 carried in this deficiency bill.

I have supported every one of these New Mexico appropriations, which are reimbursable from Navajo tribal funds. The construction of bridges across the San Juan River and the improvement of the road from Gallup to Mesa Verde has been fully justified from every point of view. The Navajo Indians have been benefited, just as the tribe will benefit by the construction of another important tourist highway through their country to the Lee Ferry Bridge and on into Utah.

I am glad to see the New Mexico Navajos enjoy these advantages, but most of the tribe lives in my State, and the Indians there are entitled to equal consideration. For the information of the House I desire to present the following figures from the last annual report of the Commissioner of Indian Affairs:

Indian population in Arizona
(Pages 32-33)

Navajo Indians:	
Under Hopi Agency.....	2,630
Under Leupp Agency.....	1,183
Under Navajo Agency.....	11,240
Under Western Navajo Agency.....	6,498
Total.....	21,551

Indian population in New Mexico
(Page 36)

Navajo Indians:	
Under Pueblo Bonito Agency.....	2,880
Under San Juan Agency.....	7,000
Under Southern Pueblo Agency.....	392
Total.....	9,272
Total Navajos in both States.....	30,823

For 14 years, as a Member of this House, I have spoken for the Navajo Indians of Arizona. In all that time I have neglected no opportunity to do everything that was possible to advance their welfare. Millions of dollars have been appropriated for their benefit, and no one will be bold enough to deny that I was at least here and knew what was being done. The Navajo Indians, over 20,000 of them, two-thirds of the entire tribe, are an integral part of the people of Arizona, all of whom I have been sent here to represent. They are my constituents, and I have taken care of them. I shall continue to see that no harm comes to them. Neither will I permit their best interests to be jeopardized by new and alleged friends who at this late date would have Congress believe that there has been a betrayal of trust and a perpetration of injustice.

Mr. FREAR. Mr. Speaker, a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. FREAR. Is it proper at this time to offer a motion as a substitute to recede and concur in the Senate amendment?

Mr. MADDEN. It is not a Senate amendment, it is a conference report complete, and the gentleman has to adopt it or reject the conference report.

Mr. BLANTON. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BLANTON. Is not this the fact, that the House has agreed, out of future revenues of these Indians, that the money shall be reimbursable merely to keep their present fund intact?

Mr. MADDEN. Exactly.

Mr. BLANTON. What harm can there be if that is the fact?

Mr. FREAR. If the gentleman will yield, there is \$100,000 reimbursable charge against the Indians. They have \$116,000 in the Treasury.

Mr. HAYDEN. The gentleman from Wisconsin is mistaken in his facts.

Mr. MADDEN. Mr. Speaker, there is not a dollar charged against these Indians in this fund. They have \$116,000 in the Treasury. We are not proposing to make any charge against that \$116,000. What we are proposing to do is, when their country is opened up by the construction of a bridge and the expenditure of over \$1,000,000 by the State of Arizona in the construction of 130 miles of road in order to enable them to develop, that then whatever is advanced out of the Indians' money resulting from the development as a result of all this expenditure by other parties, that shall be charged against the fund of the Indians and against the expenditure by the Government of the United States.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BLACK of Texas. Why should the United States Government advance money to the States of Utah and Arizona to build this bridge out of Federal funds?

Mr. MADDEN. The Indians are wards of the Government, and it always has been the custom and is the law that the United States Government shall conserve the rights of the Indians and shall create such obligations in the conservation of their rights as may seem wise; and the report pending before the House is the result of earnest and careful consideration and is deemed by those who have brought it in and are now advocating it as being wise, and we ask the House to adopt our views of it by adopting the conference report.

Mr. FREAR. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. FREAR. Is it not a fact that the Indians have never consented to this proposition, that they are opposed to it, and it will not add \$1 to the value of their property, and is purely a tourist automobile bridge and—

Mr. HAYDEN. I emphatically deny that statement.

Mr. FREAR. I am asking the gentleman from Illinois if it is not a fact?

Mr. MADDEN. It is not.

Mr. FREAR. It was so stated in another body.

Mr. MADDEN. The statement I made is a statement of facts.

The SPEAKER. The question is on agreeing to the conference report. The question was taken, and the Chair announced the ayes appeared to have it.

Mr. FREAR. Mr. Speaker, I demand the yeas and nays, and on that I make the point of order that there is no quorum present.

The SPEAKER. Not a sufficient number have arisen, and the yeas and nays are refused.

Mr. FREAR. I make the point of order there is no quorum present.

The SPEAKER. The gentleman from Wisconsin makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. MADDEN. Mr. Speaker, I move a call of the House; it will be an automatic roll call.

The SPEAKER. It is simply a call of the House.

Mr. BEGG. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The roll was called, and the following Members failed to answer to their names:

* * * * *

The SPEAKER. Three hundred and sixty-seven Members have answered to their names. A quorum is present.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

Mr. MADDEN. Mr. Speaker, I ask for a vote.

Mr. SWING. Mr. Speaker, may we have the motion read for the information of those who have come in?

The SPEAKER. Without objection, the Clerk will again report the amendment.

Mr. MADDEN. Mr. Speaker, it is not an amendment; it is a conference report.

The SPEAKER. Without objection, the Clerk will again report the items in conference.

There was no objection.

The items were again reported.

The SPEAKER. The question is on agreeing to the conference report.

Mr. FREAR. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

"Mr. MADDEN moves that the House recede from its disagreement to the amendment of the Senate No. 28, and agree to the same with an amendment as follows: 'Restore the matter stricken out by said amendment amended to read as follows: Bridge near Lee Ferry, Ariz.: To defray one-half the cost of the construction of a bridge and approaches thereto across the Colorado River at a site about 6 miles below Lee Ferry, Ariz., as authorized by the act of February 26, 1925, \$100,000, to remain available until June 30, 1927, and to be reimbursed from funds hereafter placed in the Treasury to the credit of the Navajo Indians.'"

Mr. MADDEN. Mr. Speaker, I yield one minute to the gentleman from Wisconsin [Mr. FREAR].

The SPEAKER. The gentleman from Wisconsin is recognized for one minute.

Mr. FREAR. Mr. Speaker, this is a conference agreement that compels the Navajo Indians to pay \$100,000 for a tourist bridge in Arizona. The Senate yesterday unanimously struck out the \$100,000 Indian reimbursable feature from the conference report on the bridge. The House to-day should concur with that action of the Senate, because this bridge was never proposed to be constructed with the consent of the Indians. They have no interest in it. They have protested against it. They receive no benefit from it. The \$100,000 is ultimately to be taken out of their funds, of which they now have only \$116,000 on hand. I have shown before that these Indians need every dollar of their funds for sickness and trachoma. They are sadly in need of help. They get no benefit whatever from this tourist bridge proposition. It should be stricken out and the conference report should not be accepted until that is done.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the Speaker announced that the Chair was in doubt.

Mr. MADDEN. Mr. Speaker, I ask for a division.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 235, noes 30.

So the conference report was agreed to.

Mr. WARREN. Mr. President, the Senator from Arkansas [Mr. ROBINSON] has called attention to a report which probably will throw some light on the question as to how we came to pass the two laws that are under discussion. We have from the House side now direct information as to who introduced the bill; and I ask that the report may be read at this point.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Chief Clerk read the report (No. 1111) submitted by Mr. CAMERON February 14, 1925, as follows:

[Senate Report No. 1111, Sixty-eighth Congress, second session]

(Report to accompany H. R. 4114)

The Committee on Indian Affairs, to whom was referred the bill (H. R. 4114) authorizing the construction of a bridge across the Colorado River near Lee Ferry, Ariz., having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts are fully set forth in House Report No. 1242, Sixty-eighth Congress, second session, which is appended hereto and made a part of this report.

[House Report No. 1242, Sixty-eighth Congress, second session]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 4114) authorizing the construction of a bridge across the

Colorado River near Lee Ferry, Ariz., having considered the same, report thereon with a recommendation that it do pass with the following amendments:

Line 11, page 1, strike out the word "Western."

Line 12, page 1, strike out the comma and the word "Arizona."

Line 13, page 1, strike out the words "lands and."

Your committee is informed by the Bureau of Indian Affairs that the Navajo Indians of Arizona and New Mexico consider themselves to be one tribe residing on one reservation and have asked that no distinction be made with respect to Indians who reside in different administrative divisions. The committee is of the opinion that there is no practical means of enforcing a lien against the lands of the Navajo Indians and that a lien upon their funds is ample security for the reimbursement of this appropriation. Oil in paying quantities has been discovered on the Navajo Reservation, and it is known that large deposits of coal also exist, in addition to which there is considerable merchantable timber.

The bill was referred to the Secretary of the Interior for report, and its enactment is recommended in the following letter:

WASHINGTON, January 15, 1924.

Hon. HOMER P. SNYDER,

Chairman Committee on Indian Affairs,
House of Representatives.

MY DEAR MR. SNYDER: Reference is had to your letter of December 24; transmitting for report, among others, H. R. 4114, authorizing the appropriation of \$100,000 to be expended under the direction of the Secretary of the Interior for the construction of a bridge and approaches thereto across the Colorado River at a site 6 miles below Lee Ferry, Ariz., to be reimbursed from any funds to the credit of the Indians of the Western Navajo Reservation in that State.

The matter of the construction of this bridge has been under consideration for some time, and thorough investigations have been made of all its phases by representatives of the Indian Service and by Col. Herbert Deakyne, Corps of Engineers, United States Army. A copy of Colonel Deakyne's report, which goes into the technical aspects of the matter in some detail, is inclosed herewith.

The cost of the construction of the proposed bridge has been placed at approximately \$200,000, and the local representative of the Indian Service has recommended that that service bear half of the cost, which would seem to be an equitable division thereof. The proposed bridge will connect the Western Navajo Indian Reservation with the public domain on the west of the Colorado River and will furnish an important and permanent outlet for the Indians of that reservation, facilitating their communication with the whites, and assisting them in their progress toward a more advanced civilization. The benefit which will accrue to the white persons residing in that vicinity and to the general traveling public will be great and will probably be equal to the benefit which will be derived by the Indians. This bridge will make at all times the only possible north and south route between the Salt Lake Railway on the west and the road north from Gallup, N. Mex., on the east. An immense country lies between this railway and the town of Gallup, and the proposed bridge will be an absolute necessity to the proper development of that section.

In view of the fact that the Indians of the Western Navajo Reservation will derive great benefit from the erection of the proposed bridge, estimated to be equal to the benefit which will be derived by the white settlers, it would appear reasonable that the \$100,000 which it is proposed to appropriate from public funds for the payment of half of the cost of construction be made reimbursable to the United States from any funds now or hereafter placed to the credit of such Indians and to remain a charge upon the lands and funds of such Indians until paid.

It is recommended that H. R. 4114 receive the favorable consideration of your committee and of the Congress.

Very truly yours,

HUBERT WORK, Secretary.

The report of Col. Herbert Deakyne, of the Army Engineer Corps, to which Secretary Work refers, is as follows:

WAR DEPARTMENT,
UNITED STATES ENGINEER OFFICE,
San Francisco, Calif., March 21, 1922.

From: The District Engineer, First Division, San Francisco, Calif.
To: Mr. Stephen Janus, superintendent Leupp Indian School, Leupp, Ariz.

Subject: Colorado River bridge.

1. Referring to previous correspondence and to our recent visit to the site of the proposed bridge across the Colorado River near Lee Ferry, I wish to express the following views in regard to the engineering features of the problem. The act of Congress (41 Stat. p. 1233), authorizes an investigation of the necessity for the bridge, together with surveys, plans, reports, and estimated limit of cost, with recommendation as to what proportionate part of the cost shall be borne by the United States. I assume that you will make the necessary presentation of facts relative to the necessity for the bridge

and the part of the cost that should be paid by the United States, and I am therefore not touching upon those phases of the matter.

2. Location: The act specifies the location as at or near Lee Ferry. From what I saw of the River at Lee Ferry there appears to be no argument for placing the bridge at or above the ferry site. The matter of approaches alone on the high and steep sides of the gorge above the ferry and on the left bank at the ferry is sufficient to cause rejection of any plan for a bridge in that location. The roads on both banks follow close to the river for several miles downstream from the ferry. There is no road on either side above the ferry. Therefore for every mile that the bridge is placed below the ferry there will be a saving of the maintenance of about 2 miles of road. In addition the road on the left bank for some 3 miles below the ferry, known as the "Dugway," is dangerous to travel and difficult and expensive to maintain. It appears unquestionably advisable to place the bridge below the "Dugway."

3. From a study of the report made to you by Capt. J. B. Wright, county engineer of Coconino County, Ariz., January 21, 1921, from my examination of the site, and from discussion with Captain Wright, I am of the opinion that the site selected by him about 6 miles downstream from Lee Ferry is the best known site for the bridge. A bridge at this point will save the maintenance of some 12 miles of road, will afford reasonably easy approaches on both sides, and will require a structure short enough to be within practicable limits of construction.

4. The river at this point flows through a box canyon varying somewhat in dimensions, but generally about 400 feet deep and 600 feet wide. At the selected point the width measured by Captain Wright is 575 feet and the depth from the rim of the canyon to low-water level is about 423 feet. The rise of the river in extreme floods is probably somewhere around 30 feet. The banks are of solid rock.

5. Type of structure: The types of bridge to be considered at this site are the suspension bridge, the horizontal steel truss, and the arched steel truss. It is evident that any bridge supported on piers in the river is out of the question, as this would involve piers more than 400 feet high. The bridge must be a single span from bank to bank. A stone or concrete arched bridge is considered impracticable on account of the heavy construction and the costly false work that would be required for such a long span.

6. The Colorado River is crossed between Topock, Ariz., and Needles, Calif., by a highway bridge with two short shore spans and a three-hinged steel arched center span said to be 592 feet long. However, at this point the banks of the river are low and the bridge was erected on false work supported by piles. This method would be impracticable at the Lee Ferry site, and if a structure similar to the Topock bridge were to be built there it would have to be supported by suspension cables during erection. In other words, a suspension bridge would have to be built first and used as a temporary support on which to build the steel arched bridge. The same method of construction would have to be adopted for the horizontal steel trussed bridge.

7. From these considerations it appears that the only practicable type of structure for this location is the suspension bridge. The problem is similar to that of crossing the Little Colorado River at Cameron, Ariz. This crossing is made by a suspension bridge with a stiffening truss on each side of the roadway. This bridge is 660 feet long and was built in 1911 by the Midland Bridge Co., of Kansas City, Mo., under contract with the Bureau of Indian Affairs. The bridge appears to be a satisfactory structure, except that it might better have been built on a level instead of on a decided grade, and that better bracing should have been provided to resist the lifting effect of wind. The plans for this bridge are undoubtedly on file in the Bureau of Indian Affairs. As it was built over 10 years ago, it would probably be too light for the heavy traffic now using the public highways. From a short examination of it, I judge that it was probably designed to carry a load of 10 tons. In preparing a detailed design for the Lee Ferry bridge it would be well to provide for carrying a loaded truck weighing 20 tons.

8. Cost.—The cost of the Little Colorado River Bridge at Cameron is reported to have been \$85,000. This bridge is about 54 miles from the railroad at Flagstaff, Ariz. The Lee Ferry Bridge site is about 130 miles from the same railroad point. The roads over which the material must be hauled are in large part mere tracks through the desert, crossing many depressions with steep pitches at the sides, undergoing some 4,000 feet of change in elevation, blocked at times in winter by snow, and having scanty and infrequent sources of water in the summer. The load that can be hauled by truck or team will be seriously limited by these conditions. Considering that the proposed bridge will need to be heavier than the Little Colorado River Bridge, that the haul is more than twice as long, and that prices of materials and labor have risen since 1911, I am of the opinion that a satisfactory bridge at the Lee Ferry site will cost about \$200,000.

9. Plans.—It is my understanding that nothing more is desired now in the way of plans than a map showing the location selected and a sketch showing the general design. Captain Wright has a map

on a larger scale than any I have, and the location can best be shown on that. I am inclosing a sketch showing the general design that I recommend.

HERBERT DEAKYNE,
Colonel, Corps of Engineers.

The proposed bridge will be located about 15 miles south of the Utah-Arizona boundary line, and the site is described by E. C. La Rue, hydraulic engineer of the United States Geological Survey, as follows:

"Automobile and wagon travel between the Flagstaff region in Arizona and points in northern Arizona and southern Utah passes over the road which crosses Colorado River at Lee Ferry. Perhaps 50 per cent of this road is good and the remainder is passable. The cost of building a first-class graded road would not be excessive.

"The bridge site is located about 8 miles below Paria River and 4 miles below the present crossing at Lee Ferry. Twelve miles of the present road would be eliminated by the construction of the bridge. At the bridge site the walls are composed of limestone and sandstone, almost vertical from the river banks. The box canyon at this point is about 450 feet deep and between 600 and 700 feet wide at the top. This site is easily accessible from the north and south."

The following letter from the Director of the National Park Service shows the importance of this bridge from the standpoint of the national parks:

NATIONAL PARK SERVICE,
Washington, December 8, 1924.

MY DEAR MR. HAYDEN: In reference to our conversation about a bridge across the Colorado River at Lee Ferry, Ariz., I am glad to give you my views as to the advantages of such a project.

At the present time people from that portion of Arizona north of the Colorado River, known as The Strip, and visitors to the Zion National Park, in order to reach by a safe road the greater portion of Arizona, including the major portion of the Grand Canyon National Park, must make a long detour through California and Nevada, or a still longer detour through Colorado and New Mexico. A road crossing the Colorado at Lee Ferry seems to be the only feasible route connecting the strip country and the rest of the State and would shorten the present distance between the Grand Canyon and Zion National Parks to approximately one-third the distance it is now necessary to traverse in going from one to the other. When this road is built it will be possible to go from the north rim of the Grand Canyon to the south rim in a day.

For the past two years there have been over 100,000 visitors to the Grand Canyon Park annually, the travel for 1924 exceeding that for 1923 in spite of the restrictions against the hoof-and-mouth epidemic, and this travel will continue to grow from year to year. When the two rims are joined by a good road and bridge a still further increase will undoubtedly follow. It will be hard to find any road in the United States that will offer to the travelers so many diversified scenic features, and these features should be made accessible as soon as possible.

Even more important, from the point of view of the State, is the fact that residents of that section north of the Colorado River will have direct access to other parts of the State. The development of the area north of the Colorado River should not and can not be delayed much longer, and such a road would do more to develop that section than any other one thing.

Not alone would residents of Arizona be benefited by the opportunity to reach easily any portion of the State, but the entire State would benefit from the stream of tourist travel that now, after visiting the wonderful Zion and southern Utah country and the north rim of the Grand Canyon, turns back through Utah and on to California from there. Last year 8,400 people visited Zion Park and nearly 4,000 went to the north rim, and each year the numbers increase. If easy access were afforded visitors to Zion and the north rim to cross over to the south rim, most of them, instead of retracing their way, would continue on to southern Arizona on their way to the coast.

I believe that the importance of a connecting road between the strip section of Arizona and the remainder of the State can not be too strongly emphasized. It would be a boon to the State of Arizona, as well as to the traveling public. I know that from the standpoint of the national parks it is vitally important.

Sincerely yours,

STEPHEN T. MATHER, Director.

Hon. CARL HAYDEN,
House of Representatives.

Under date of December 13, 1924, J. R. Eakin, superintendent of the Grand Canyon National Park, also writes:

"The construction of a modern highway to the north rim by way of a bridge near Lee Ferry would open up an immense market for Indian products, which is now practically denied them. Undoubtedly, a vast amount of their handiwork would be taken over this route and stocked in various stores for sale to the tourist public. Of equal importance would be the vast stream of auto tourists that would, in traveling this road, pass four trading posts in order to reach the canyon,

and many autoists would, of course, visit the Rainbow Bridge country near which is the Betatakin ruin, and thus come in contact with many other trading posts, where the principal articles of sale are Navajo rugs and jewelry, and Hopi baskets, pottery, etc.

"The construction of such a road and bridge would greatly increase the demand for products of the Navajo and Hopi Reservations, and while it would greatly increase travel to this country and thus aid the general prosperity of the State, the Indians, I believe, would be benefited more than the whites."

Under the terms of the bill it will be necessary for the State of Arizona to pay one-half of the cost of this bridge. The Governor of Arizona in his message to the State legislature on January 12, 1925, has recommended that such an appropriation be made. It will also be necessary for the State to improve the approach road from Flagstaff for a distance of about 130 miles, over half of which is within the Navajo Reservation. The road north of the Colorado River to Fredonia will also require State funds for its construction.

The bill, as amended, reads as follows:

"A bill authorizing the construction of a bridge across the Colorado River near Lee Ferry, Ariz.

"Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed the sum of \$100,000, to be expended under the direction of the Secretary of the Interior, for the construction of a bridge and approaches, thereto across the Colorado River at a site about 6 miles below Lee Ferry, Ariz., to be available until expended, and to be reimbursable to the United States from any funds now or hereafter placed in the Treasury to the credit of the Indians of the Navajo Indian Reservation, to remain a charge and lien upon the funds of such Indians until paid: *Provided*, That no part of the appropriations herein authorized shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of the State of Arizona satisfactory guaranties of the payment by said State of one-half of the cost of said bridge, and that the proper authorities of said State assume full responsibility for and will at all times maintain and repair said bridge and approaches thereto."

Mr. ROBINSON of Arkansas. Mr. President, the Secretary did not read the first part of the report, which shows that it was made by the Senator from Arizona [Mr. CAMERON]. I ask the clerk to state by whom the report was made.

The Chief Clerk read as follows:

Bridge across the Colorado River near Lee Ferry, Ariz.

February 3 (calendar day, February 14), 1925.

Mr. CAMERON, from the Committee on Indian Affairs, submitted the following report to accompany House bill 4114.

Mr. REED of Missouri. Mr. President, I want to know about this proposition. I want to get the facts. There are two Senators here from Arizona who ought to know the facts, and I would like to hear from both of them before the vote is taken. I am saying this now merely to give notice that at least the request is made. I want to hear from both Senators.

Mr. WARREN. I will state to the Senator that probably four Senators will be interested, as the matter concerns bridges in two States, the States of New Mexico and Arizona.

Mr. ROBINSON of Arkansas. May I say to the Senator from Missouri that the senior Senator from Arizona [Mr. ASHURST] is ill and unable to be present.

Mr. CAMERON. Mr. President, I do not care to take up the morning hour if there is other business to be transacted. If I can have permission at the end of the morning hour to make a few remarks, that will be agreeable to me.

Mr. WADSWORTH. Are we now considering the morning business?

The VICE PRESIDENT. The morning business is in order.

Mr. WADSWORTH. The conference report on the deficiency appropriation bill will come before the Senate automatically at the conclusion of the morning business?

The VICE PRESIDENT. No; the aluminum report will be in order automatically at 2 o'clock. The conference report will have to be brought up on motion.

Mr. WADSWORTH. I merely desire to express the hope that we can transact routine morning business before the hour of 2 o'clock is reached. I do not feel like demanding the regular order if the Senator from Arizona desires to address the Senate, but I hope time enough will be left for the transaction of the morning business.

Mr. WARREN. Mr. President, I have no interest in contending any longer for the adoption of the conference report, nor have I any intention of consuming the morning hour. I am perfectly willing that the morning hour shall be used for the transaction of the morning business. There will be enough time for the consideration of the conference report.

The Senators who referred yesterday so disparagingly to the action of the House in asking us to approve this conference

report were quite liberal in saying they did not care if the bill never passed unless it should be passed in the form they wished it. One of them advised that I leave town for two or three weeks before taking it up again!

One of those Senators was tremendously liberal; in fact, I notice that one section of the Senate—about one-third—is extremely liberal in these matters, so I want to be liberal, too. I am willing, if it is the proper thing to do, that the morning business shall now go on.

Mr. REED of Missouri. I understood the Senator to say that the suggestion has been made on the floor that he leave town for three weeks. Has the Senator any intention of accepting that invitation?

Mr. WARREN. One of the distinguished speakers on yesterday made a similar suggestion, and very strongly urged it, as he usually urges all matters in which he is interested.

Mr. REED of Missouri. I was wondering whether the Senator intended to comply with the suggestion.

Mr. WARREN. I am frank to say that I shall hang around for a few days, at least. [Laughter.]

Mr. LENROOT. Mr. President, during the debate yesterday upon the conference report on the urgent deficiency appropriation bill I made a statement which my good friend the Senator from Wyoming [Mr. WARREN], sitting at my right, construed as an invitation to him to leave the city for, I think he said, three months.

Mr. WARREN. I said three weeks.

Mr. LENROOT. Mr. President, I could not remember making any such statement, because nothing could be further from my mind or thought. I have just looked up the Record to see what the Senator possibly could have had reference to, and I find this—

If the House shall be unwilling to yield, if I were a Senate conferee, I would go about my business for the next two or three weeks. In that event nobody would suffer very much.

Mr. WARREN. In other words, the Senator is one of the "three-weeks" men. I wish to note that as we go along.

Mr. LENROOT. Mr. President, I did not have in mind in the least that the Senator should leave the city or should not with his usual vigor and ability attend to his duties as a Senator here in the Senate. What I had in mind only was that if the conference report should lie dormant for two or three weeks the Senator might attend to his other manifold duties as a Senator without the public business being hurt and, in that event, no one would suffer. I did not mean to infer that the country would suffer by the Senator's absence—we all know how much it would suffer—but that no one interested in the deficiency appropriation bill would suffer very much—that is, the beneficiaries of that bill—if they were delayed two or three weeks in receiving their money. I wish to take this occasion to say that I have the very greatest respect and affection for the Senator from Wyoming. There is no more valuable Member of this body than is the Senator from Wyoming, and he well knows my esteem and affection for him.

Mr. WADSWORTH. Mr. President, I ask for the regular order.

The VICE PRESIDENT. The regular order is the presentation of petitions and memorials.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hattigan, one of its clerks, announced that the House had adopted a concurrent resolution (H. Con. Res. 12) authorizing the printing of 41,000 additional copies of the revenue act of 1926, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS

Mr. WILLIS presented resolutions adopted by the Kiwanis Club, of Steubenville, Jefferson County, Ohio, favoring amendment of existing freight rates on coal among the several coal-producing States of West Virginia, Kentucky, Tennessee, Virginia, Pennsylvania, Ohio, and Illinois as being unjust, unfair, inequitable, and discriminatory, which were referred to the Committee on Interstate Commerce.

Mr. BINGHAM presented the petition of the New Haven (Conn.) Branch of the U. N. I. A., praying a senatorial investigation in the case of Marcus Garvey with a view to securing his release from prison, which was referred to the Committee on the Judiciary.

He also presented resolutions adopted at a meeting in the Bethel African Methodist Episcopal Church, at Stamford, Conn., protesting against the passage of the bill (S. 2160) prohibiting the intermarriage of the Negro and Caucasian races in the District of Columbia and the residence in the District of Columbia of members of those races so intermarrying outside the boundaries of the District of Columbia, and for other purposes,

and providing penalties for the violation of this act, which were referred to the Committee on the Judiciary.

He also presented a resolution adopted at a meeting of the Stamford (Conn.) Branch of the N. A. A. C. P., protesting against the passage of the bill (S. 2160) prohibiting the intermarriage of the Negro and the Caucasian races in the District of Columbia and the residence in the District of Columbia of members of those races so intermarrying outside the boundaries of the District of Columbia, and for other purposes, and providing penalties for the violation of this act, which was referred to the Committee on the Judiciary.

He also presented resolutions adopted by Leonard Wood Camp, No. 1, Veteran Soldiers, Sailors, and Marines Association, of Hartford, Conn., favoring the passage of the so-called Knutson bill, providing increased pensions to Spanish War veterans, which were referred to the Committee on Pensions.

He also presented a resolution adopted by the Norwalk (Conn.) Chapter, Daughters of the American Revolution, protesting against the passage of the so-called Wadsworth-Perlman bill, liberalizing the present immigration law, which was referred to the Committee on Immigration.

He also presented resolutions adopted at the annual meeting of the Connecticut Forestry Association, protesting against the passage of the bill (S. 2584) to promote the development, protection, and utilization of grazing facilities on public lands, to stabilize the range stock-raising industry, and for other purposes, which were referred to the Committee on Public Lands and Surveys.

He also presented a resolution adopted by the Hartford (Conn.) Traffic Association, protesting against the passage of the so-called Gooding long and short haul bill as being detrimental to the industrial and commercial interests of New England, which was ordered to lie on the table.

REPORTS OF COMMITTEES

Mr. WADSWORTH, from the Committee on Military Affairs, to which was referred the bill (S. 2479) to declare a portion of the battle field of Westport, in the State of Missouri, a national military park, and to authorize the Secretary of War to acquire title to same on behalf of the United States, reported it with amendments and submitted a report (No. 220) thereon.

He also, from the same committee, submitted a report (No. 224), accompanied by a bill (S. 3321) to increase the efficiency of the Air Service of the United States Army, which was read twice by its title and placed on the calendar.

Mr. GEORGE, from the Committee on Military Affairs, to which was referred the bill (H. R. 3624) for the relief of Hannah Parker, reported it without amendment and submitted a report (No. 221) thereon.

Mr. WATSON, from the Committee on Interstate Commerce, to which was referred the bill (S. 2306) to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes, reported it with amendments and submitted a report (No. 222) thereon.

Mr. DALE, from the Committee on Pensions, to which was referred the bill (H. R. 7906) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and so forth, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, reported it with amendments and submitted a report (No. 223) thereon.

Mr. CAMERON, from the Committee on Indian Affairs, to which was referred the bill (H. R. 7173) authorizing the Secretary of the Interior to dispose of certain allotted land in Boundary County, Idaho, and to purchase a compact tract of land to allot in small tracts to the Kootenai Indians as herein provided, and for other purposes, reported it without amendment and submitted a report (No. 225) thereon.

LOAN OF MILITARY EQUIPMENT TO UNITED CONFEDERATE VETERANS

Mr. WADSWORTH. I report back favorably from the Committee on Military Affairs the joint resolution (S. J. Res. 59) authorizing the Secretary of War to lend 3,000 cots, 3,000 bed sacks, and 6,000 blankets for the use of the encampment of the United Confederate Veterans, to be held at Birmingham, Ala., in May, 1926. The Senator from Alabama [Mr. HEFLIN] is interested in this measure.

Mr. HEFLIN. I ask unanimous consent for the present consideration of the joint resolution.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to lend, at his discretion, to the entertainment committee

of the United Confederate Veterans, whose encampment is to be held at Birmingham, Ala., in the month of May, 1926, 3,000 cots, 3,000 bed sacks, and 6,000 blankets: *Provided*, That no expense shall be caused the United States Government by the delivery and return of said property, the same to be delivered at such time prior to the holding of said encampment as may be agreed upon by the Secretary of War and the chairman of said entertainment committee: *Provided further*, That the Secretary of War, before delivering said property, shall take from said chairman of the entertainment committee a good and sufficient bond for the safe return of said property in good order and condition, and the whole without expense to the United States.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BUTLER:

A bill (S. 3298) granting an increase of pension to William S. Tolman (with accompanying papers); to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 3299) to regulate the practice of chiropractic; to create a board of chiropractic examiners of the District of Columbia, and to punish persons violating the provisions thereof; to the Committee on the District of Columbia.

By Mr. NORBECK:

A bill (S. 3300) granting pensions and increase of pensions to certain soldiers and sailors of the war with Spain, the Philippine insurrection, or the China relief expedition, to certain widows, minor children, and helpless children of such soldiers and sailors, and for other purposes; and

A bill (S. 3301) granting pensions and increase of pensions to certain soldiers and sailors of the Civil and Mexican Wars and to certain widows, former widows, minor children, and helpless children of said soldiers and sailors, and to widows of the War of 1812; to the Committee on Pensions.

By Mr. CUMMINS:

A bill (S. 3302) granting an increase of pension to Susan A. Jones (with accompanying papers);

A bill (S. 3303) granting a pension to Alice Cornwall (with accompanying papers);

A bill (S. 3304) granting an increase of pension to Sarah E. Ball (with accompanying papers);

A bill (S. 3305) granting a pension to Mary Jane Judd (with accompanying papers);

A bill (S. 3306) granting an increase of pension to Mary Wheeler (with accompanying papers);

A bill (S. 3307) granting an increase of pension to Emeline White (with accompanying papers);

A bill (S. 3308) granting a pension to Mary J. Mozack;

A bill (S. 3309) granting an increase of pension to Julia A. Johnson (with accompanying papers);

A bill (S. 3310) granting an increase of pension to Fannie Barnard (with accompanying papers);

A bill (S. 3311) granting an increase of pension to Lilley J. Parmley (with accompanying papers);

A bill (S. 3312) granting a pension to Augusta Reese (with accompanying papers);

A bill (S. 3313) granting an increase of pension to Lucy E. Scott (with accompanying papers);

A bill (S. 3314) granting an increase of pension to James W. Ellis;

A bill (S. 3315) granting an increase of pension to Rhoda Robinson (with accompanying papers);

A bill (S. 3316) granting an increase of pension to Martha A. Darrah (with accompanying papers); and

A bill (S. 3317) granting an increase of pension to Samuel H. Hedrix (with accompanying papers); to the Committee on Pensions.

By Mr. WILLIS:

A bill (S. 3318) granting an increase of pension to Sarah A. Sparks (with accompanying papers); to the Committee on Pensions.

By Mr. WHEELER:

A bill (S. 3319) to extend the boundaries of the Absaroka National Forest in the State of Montana, and for other purposes; and

A bill (S. 3320) to improve and extend the winter range and winter feed facilities of the elk, antelope, and other game animals of Yellowstone National Park and adjacent land, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. JOHNSON:

A bill (S. 3322) to provide for the advancement on the retired list of the Army of M. M. Cloud; to the Committee on Military Affairs.

A bill (S. 3323) for the relief of Richard W. Armstrong, alias Richard R. Armstrong; to the Committee on Pensions.

A bill (S. 3324) for the relief of Harry McNeil;

A bill (S. 3325) for the relief of Milton S. Merrill; and

A bill (S. 3326) to extend the provisions of the United States employees' compensation act of September 7, 1916, as amended, to L. J. Turner; to the Committee on Claims.

By Mr. NEELY:

A bill (S. 3327) for the relief of Mrs. Gill I. Wilson; to the Committee on Military Affairs.

By Mr. PHIPPS:

A bill (S. 3328) for the relief of L. W. Burford; to the Committee on Public Lands and Surveys.

AMENDMENT TO INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. STANFIELD submitted an amendment proposing to increase the appropriation for prevention and fighting of forest and other fires on the public lands from \$25,000 to \$92,000, intended to be proposed by him to House bill 6707, the Interior Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

EMPLOYMENT OF AN ADDITIONAL PAGE

Mr. CURTIS submitted the following resolution (S. Res. 160), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Sergeant at Arms hereby is authorized and directed to employ an additional page for the remainder of the present session of Congress, to be paid from the contingent fund of the Senate, at the rate of \$3.30 per day.

REPORT OF AMERICAN BATTLE MONUMENTS COMMISSION

Mr. REED of Pennsylvania submitted the following resolution (S. Res. 161), which was referred to the Committee on Printing:

Resolved, That there be printed for the use of the Senate 1,800 copies of House Document No. 121, Sixty-ninth Congress, first session, entitled "Annual Report of the American Battle Monuments Commission, fiscal year 1925."

Mr. PEPPER, subsequently, from the Committee on Printing, to which was referred the foregoing resolution, reported it without amendment, and it was considered by unanimous consent and agreed to.

COMMITTEE SERVICE

On motion of Mr. WATSON, it was—

Ordered, That the junior Senator from Michigan [Mr. COUZENS] be relieved from further service on the Committee on Inter-oceanic Canals;

That the junior Senator from Oklahoma [Mr. PINE] be relieved from further service on the Committee on Claims;

That the junior Senator from Idaho [Mr. GOODING] be relieved from further service on the Committee on Territories and Insular Possessions;

That the junior Senator from Connecticut [Mr. BINGHAM] be relieved from further service on the Committee on Immigration;

That the junior Senator from North Dakota [Mr. NYE] be appointed to fill vacancies on the following committees: Inter-oceanic Canals, Claims, Territories and Insular Possessions, and Immigration.

CHANGE OF REFERENCE

On motion of Mr. WARREN, the Committee on Appropriations was discharged from the further consideration of the bill (S. 3287) relating to the purchase of quarantine stations from the State of Texas, and it was referred to the Committee on Public Buildings and Grounds.

POSTAL RECEIPTS

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, which will be read.

The resolution (S. Res. 156) submitted by Mr. HARRISON on the 24th instant was read, as follows:

Resolved, That the Postmaster General is directed to furnish to the Senate, at the earliest practicable date, a statement showing the postal receipts, by classes, for the period from July 1, 1925, to December 31, 1925, both inclusive, as compared with such receipts for the corresponding period of the year 1924, together with a statement containing such observations as the Postmaster General may be in a position to make relative to the effect on the volume of business and revenue received of the postal rates now in force.

Mr. CURTIS. I have been requested by the Senator from New Hampshire [Mr. Moses] to ask when the resolution was reached that it should go over without prejudice.

The VICE PRESIDENT. Without objection, the resolution will be passed over without prejudice.

POSTAL AIR MAIL SERVICE

Mr. McKELLAR. Mr. President, several days ago the bill (S. 776) to authorize and provide for the payment of the amounts expended in the construction of hangars and maintenance of flying fields for the use of the air-mail service of the Post Office Department was passed by the Senate, and by unanimous consent was then recalled from the House and is now on the table. I move that the votes by which the bill was ordered to a third reading and passed may be reconsidered, for the purpose of referring the bill back to the Committee on Post Offices and Post Roads. I will say that the motion has the approval of the Senator from New Hampshire [Mr. Moses], the chairman of the Committee on Post Offices and Post Roads.

Mr. SMOOT. Why not let the bill go to the calendar? When it comes up we can then discuss it.

Mr. McKELLAR. The bill should go back to the Committee on Post Offices and Post Roads, I will say to the Senator from Utah. The Senator from New Hampshire was present here just a moment ago and asked me to bring the matter up. He seems to be temporarily out of the Chamber, but I think the bill should go back to the committee; and if the Senator from Utah will discuss the matter with the Senator from New Hampshire, I am sure he will agree that the bill should go back to the committee.

Mr. SMOOT. Of course, the Senator from New Hampshire may agree to it. I have not any particular objection to such action, only it is not in accordance with the general rule. When by unanimous consent a bill has been recalled from the House of Representatives it usually takes its place upon the calendar.

Mr. CURTIS. Mr. President, I am informed that the subcommittee, which had charge of the bill in question, never reported it back to the full committee, and for that reason the bill should go back to the committee. I hope, therefore, the Senator from Utah will not object to that course being taken.

Mr. SMOOT. I have no objection to that being done, but I was merely calling attention to the fact that such a course, under our established procedure here, is somewhat out of order.

Mr. McKELLAR. It was for the reason as stated to me by the chairman of the committee, that the bill had not been reported by the subcommittee to the full committee, that I asked that it go back to the Committee on Post Offices and Post Roads. For that reason I ask unanimous consent that that course may be now taken.

Mr. SMOOT. I have no objection to that being done. I simply wish to say to the Senator from Tennessee that, of course, if there is no merit in the bill, no Senator would want to have it defeated more than I.

Mr. McKELLAR. The bill may be very meritorious, I will say to the Senator from Utah, but I do not know, and I should like to have an opportunity to look into it, which I never have had.

Mr. SMOOT. I merely wish to assure the Senator that the bill is meritorious or I never should have introduced it.

Mr. McKELLAR. I am quite sure of that.

The VICE PRESIDENT. Without objection, the votes whereby the bill was read the third time and passed will be reconsidered, and the bill will be recommitted to the Committee on Post Offices and Post Roads.

Mr. ODDIE. Mr. President, I merely desire to make an observation relative to the bill which has just been recommitted to the Committee on Post Offices and Post Roads. A similar bill was passed by the Senate last year, and I understand there has been no change in the situation surrounding the matter since then.

Mr. McKELLAR. I shall be very glad to take the matter up with the chairman of the Committee on Post Offices and Post Roads at any time.

CLAIMS ARISING FROM THE SINKING OF THE "NORMAN"

Mr. McKELLAR. I ask unanimous consent that the Committee on the Judiciary may be discharged from the further consideration of the bill (S. 2273) conferring jurisdiction upon the Federal District Court of the Western Division of the Western District of Tennessee to hear and determine claims arising from the sinking of the vessel known as the *Norman*, and that the bill be referred to the Committee on Claims. It seems that there was some doubt as to which committee the bill should be referred. The clerks at the desk thought it

should go to the Committee on the Judiciary, and it seemed to me proper also, but I understand that there is some difference of opinion about it, and the chairman of the Committee on the Judiciary is willing that the bill shall be rereferred to the Committee on Claims. I ask unanimous consent that that may be done.

The VICE PRESIDENT. Without objection, the Committee on the Judiciary will be discharged from the further consideration of the bill and it will be referred to the Committee on Claims.

Mr. CURTIS. What was the request?

Mr. McKELLAR. That the Committee on the Judiciary be discharged from the further consideration of the bill and that it be referred to the Committee on Claims. I made the request after consultation with the chairman of the Committee on the Judiciary.

MUSCLE SHOALS

Mr. McKELLAR. Mr. President, I ask unanimous consent to have printed at this point in the Record an article on Muscle Shoals appearing in the Birmingham Age-Herald of February 19 and an editorial on the same subject from the New York World of February 24. I ask unanimous consent that the editorial may be read to the Senate. It is not long.

The VICE PRESIDENT. Without objection, the request will be granted. The editorial will be read.

The Chief Clerk read the editorial, as follows:

[From the New York World, February 24, 1926]

GUSHING OVER AGAIN

Either to-day or to-morrow the Senate will be invited by the House of Representatives to commit intellectual suicide and adopt House Resolution No. 4. House Resolution No. 4 has already been rushed through the lower branch of Congress in a debate which lasted all of 50 minutes. Now it is proposed that it be sandwiched in ahead of the Italian debt settlement and be made the immediate business of the Senate. The bill is an administration measure. It proposes the latest and most fantastically preposterous of a long series of solutions for the problem of Muscle Shoals.

Let us look back a minute. It was in the first session of the last Congress, on March 10, 1924, that the House of Representatives, at that time victim of a "mash" on Henry Ford as heady and as persistent as any shop girl's dreams of Rudolph Valentino, voted to bestow Muscle Shoals on Henry Ford in return for love and kisses. It did this in a measure known as H. R. 518, and surveyed its work with pride. By and by, however, it began to be understood in public that as a means of protecting public interest in a vast power site H. R. 518 was a joke. It began to be understood that the Ford bid was a bid of less than 6 cents on the dollar, a bid which flagrantly violated every essential provision of the Federal power act, and a bid whose interest terms were computed by the Norris committee in the Senate as equivalent to a cash gift to Mr. Ford of \$236,250,000, with the fond remembrances of a grateful public. The Ford bid collapsed. H. R. 518 collapsed. It was laughed to pieces in the public press and in the Senate. And now what happens? Back comes H. R. 518 again, somewhat disguised, but championed this time by a sponsor no less authoritative than the chief administration spokesman in the House of Representatives, the chairman of the august Rules Committee, Mr. SNELL.

House Resolution No. 4 is now the official designation of the administration's plans for Muscle Shoals. And House Resolution No. 4 provides for a committee to conduct negotiations for a lease of the Government's entire property at Muscle Shoals—upon what terms? A 50-year lease—

"Upon terms which so far as possible shall provide benefits to the Government and to agriculture equal to or greater than those set forth in H. R. 518."

The thing is almost comic. Having had in H. R. 518 a bill which protected the public interest in no degree whatever, it is now solemnly proposed that the same recklessness with the disposition of public property be achieved again—so far as possible. So far as possible the committee authorized by Congress is to bargain for something which is the equivalent of zero. Nor is that the last piece of absurdity in this measure. For it must be remembered that in 1924 and 1925 the House had before it various versions of H. R. 518; and now Mr. SNELL and the administration leaders are so far at sea that they are unable even to say which of these various versions the new measure specifies. It may be the first, it may be the last, it may be one in between. Mr. SNELL explains it this way: "We want, as far as possible, to give this [leasing] committee carte blanche. . . . We thought this would give some general direction without being too specific." We thought, in other words, that we would write something nice and vague which somebody may possibly understand but which we ourselves can't explain to you, the final net result of which is nothing whatsoever.

This, we suggest, is no way to dispose of a property on which the United States has spent \$137,000,000 and a power site which is strategic to the whole Southeast.

Some latitude for a commission may be essential if it is to "negotiate." But the responsibility of Congress demands something more than an announcement that Congress is ready to abdicate. Before it appoints its commission Congress should set minimum terms which actually do protect the public interest, instruct its negotiators to take nothing less, and announce that it is ready to fall back upon public operation of Muscle Shoals if no satisfactory offer is forthcoming.

The Senate will do a good day's work if it so informs the House and tears up House Resolution No. 4 as so much useless paper.

The article from the Birmingham Age-Herald of February 19, 1926, is as follows:

STATE ASKS RATE RIGHT FOR SHOALS—PUBLIC SERVICE COMMISSION STANDS FIRM ON POLICY—SENATORS NOTIFIED OF BODY'S DECISION—UTILITIES HOLDS REGULATIONS ARE UNDER COMMONWEALTH—BILLS IN CONGRESS RESULT IN NOTICE—FORMAL ACTION IS TAKEN TO MEET SENATORIAL MEASURES

[State Capital Bureau]

MONTGOMERY, ALA., February 19.—Formal notice was served by the Alabama Public Service Commission in a letter to Senators OSCAR W. UNDERWOOD and J. THOMAS HEFLIN Friday afternoon that no act of Congress can destroy the right of the State of Alabama to establish rates and regulations for the power that will be generated at Muscle Shoals. The commission declared that the State is the sovereign in this matter, that the Federal Government can have no authority on the Tennessee River except over navigation and that any rate for the power generated at Muscle Shoals, whether the Government or a private corporation be the purchaser, must be approved by the public service commission.

Every effort of the Federal Government to wrest from the State its authority over Muscle Shoals power will be resisted by the public service commission, according to the letter which was addressed to the Senators by A. G. Patterson, president of the commission.

FORMAL NOTICE SENT

The formal communication resulted from the introduction in the Senate of bills designed to give the Federal Government authority over rates for the power. One of the bills was introduced by Senator NORRIS, another by Senator SMITH, and another by Senator MCKELLAR. Each contains a clause which, the public service commission contends, would take from the State the control of rates except for the fact that no provision is made by the Federal Constitution for the control of rates on power by the Federal Government.

"The hydroelectric dam, which it is proposed that the Government shall operate, is located wholly within the State of Alabama," said Mr. Patterson's letter. "The United States as sovereign exercise the right to control and protect the navigation of the Tennessee River at this point, but as an operator of a hydroelectric dam the United States must abide by the laws of the State of Alabama, exactly as the Alabama Power Co. or any other private operator distributing power in Alabama."

MOVE IS STEP IN POLICY

The formal declaration is another step toward the development of a water power policy for Alabama by the public service commission. When the legislature was in session in 1923 the commission appealed for legislation establishing a policy. No action was taken except the creation of a committee of the two houses, which was directed to consider the subject. No action was ever taken by the committee after its appointment.

Through the latest action of the commission, the water power policy has been defined in three important matters:

That the public service commission will claim the right to regulate rates for Muscle Shoals, whether operated by the Government or a private corporation.

That no power company operating in Alabama can construct its transmission lines into another State.

That no power company will be permitted to construct a transmission line until it can convince the commission that the line is needed for the marketing of electrical energy.

TEXT OF LETTER

Mr. Patterson's letter follows in full:

"May we call your attention to certain provisions of bills which have been introduced in the United States Senate for the purpose of enabling the United States to engage in the operation of the Government properties at Muscle Shoals?

"The provisions to which we refer are as follows:

"Norris bill (S. 2147) introduced January 5, 1926 (sec. 8, p. 9):

"The board shall give preference in the sale of such power to States, counties, municipalities, and districts, and if the sale of such power is made to private individuals, corporations, or partnerships for distribution or resale the board may, as one of the conditions of such sale, provide in the contract therefor for the regulation of the price

at which any such individual, partnership, or corporation shall charge the consumer in a resale of such power."

"Smith bill (S. 2956) introduced February 1, 1926 (sec. 5 (a), p. 3, line 15):

"Any excess power developed may be disposed of under such terms and conditions as the commission may prescribe to any State or political subdivision thereof, or to any individual, partnership, association, or corporation."

"McKellar bill (S. 3081) introduced February 10, 1926 (sec. 4 (a), p. 3, line 12):

"Any excess power developed may be disposed of under such terms and conditions as the commission may prescribe as hereinafter provided."

"(b) In the disposition of such excess power the commission may give preference to the power requirements of States and political subdivisions of States, including municipalities, and thereafter dispose of the remainder to farmers, manufacturers, and all other users or distributors of current, whether individuals, partnerships, associations, or corporations, in territory within economical transmission distance from Muscle Shoals, equitably and without discrimination, and without reference to State lines, and at rates fair and reasonable and as low as practicable. The commission is authorized and directed to make classifications and shall serve all customers in the same class at like rates and under same conditions of service, and no locality or section shall be favored over any other locality or section. Should the commission sell a portion of such power to a public utility company for distribution, it shall have the power, and it is hereby directed, to regulate by provisions in the contract the prices to be charged by such utility company in the resale of such power to consumers."

STATE RIGHTS UPHELD

"The hydroelectric dam which it is proposed that the Government shall operate is located wholly within the State of Alabama. The United States as sovereign exercises the right to control and protect the navigation of the Tennessee River at this point, but as an operator of a hydroelectric dam the United States must abide by the laws of the State of Alabama exactly as the Alabama Power Co. or any other private operator distributing power in Alabama."

"When a Government corporation engages in the public-utility business in our State, its rates and service automatically come under the jurisdiction of the Alabama Public Service Commission, and we desire to notify the advocates of these measures in the Senate that no provisions such as are here attempted, having for their purpose the regulation of rates or service, can be made effective without the approval of the Alabama Public Service Commission. There can not exist two power sovereigns within the same State."

"Where power is to cross a State line and is to be utilized in an adjoining State this commission is authorized to recognize the right of the utility commission in the adjoining State to an equal but not superior claim to jurisdiction in the rates and service affecting the power in question."

"As long as our commission can agree with commissions of adjoining States as to rates and service in power transmitted across our State lines, there can be no ground for interference by any Federal agency, either the Federal Power Commission or any other Federal authority."

WILL FIGHT FOR CONTROL

"We beg to advise that the Alabama Public Service Commission will in behalf of the State and its people resist and oppose all efforts of the Federal Government to usurp or exercise powers reserved by the State and not authorized by the Federal Constitution, where such action relates to matters under the jurisdiction of this commission. In this connection, we bring to your attention the following statement which was included in our commission, dated June 5, 1925, to the President's 'Muscle Shoals inquiry,' in which was transmitted certain data and information requested by that board."

"We assume that your commission is familiar with the rights of the State of Alabama in and to the power produced at Wilson Dam, and with the fact that no disposition of the electrical energy generated at Wilson Dam can be effectuated by the Federal Government or any agency created by it unless and until the consent of the State thereto has been obtained, and the laws of the State pertaining to the sale and distribution of the electrical energy produced within the State shall have been complied with."

"May we suggest that you bring these matters to the attention of the Members of the Senate and urge such action in the premises as you deem proper for the protection of the interests of the State of Alabama and its people?"

"Yours very truly,

"ALABAMA PUBLIC SERVICE COMMISSION,
A. C. PATTERSON, President."

STATEMENT ISSUED

In connection with the letter the following statement was issued by the commission:

"In this connection it will be recalled by those who have followed closely the development of the electric-power situation in the State

that the Alabama Public Service Commission has, as far as existing laws would permit, endeavored to guard the rights of the State and to protect the interest of the State and its people in such development. This State contains greater potential electric power than any State in the Union, having favorable and extensive resources for the production of electricity by both water and coal. It is unfortunate that a definite policy was not adopted by the legislature providing for the development of Alabama's electric-power resources.

"This commission, in denying authority to the Alabama Power Co. to construct hydroelectric power development on the Warrior River at Lock 17, called attention to this situation and expressed the hope that a water-power policy would be adopted by the legislature, then soon to convene. Its opinion in this case, issued June 18, 1923, contains the following statement:

"The commission has been advised by the governor and by members of the State senate and house of representatives that the legislature, when it convenes next month, will have before it for its consideration and disposition the question of fixing for the State a definite, comprehensive water-power policy."

CITES FORMER ACTION

"At a later date this commission addressed a letter to the governor, again calling his attention to the importance of recommending to the legislature the establishment of a water-power policy. The commission likewise addressed a communication to the members of the legislature, urging that such legislation be enacted as would constitute a water-power policy and a guide to this commission in its official action relating to the development of the State's power resources.

"It is a matter of record that resolutions were adopted by the legislature providing a committee to draft legislation designed to constitute a water-power policy. No report was ever made by this committee and as a consequence no further consideration of this matter was given by the legislature.

"This commission, in the absence of guiding legislation, has undertaken to impose such conditions in every authorization for development as in its judgment it would be authorized to impose for protection of the interests of the State and its people.

RIGHT NOT DENIED

"The Federal Government has never denied the right of the State to exercise authority over hydroelectric power developments, and the Federal water power act, adopted by Congress after 10 years' consideration and debate, clearly recognizes the right and authority of the State in such matters. This act provides that where States have, or afterwards set up, agencies providing regulation as to rates, charges, and service, that no attempt shall be made by the Federal Power Commission to exercise authority over these matters.

"The subject has been a matter of grave consideration by other States. The Governor of New York State has vigorously contended that the power resources of a State are owned by the State and subject to its exclusive control. Litigation to establish this right is now pending, and it is being closely followed by those interested in this important matter.

"The State of Maine passed a law prohibiting the production of electric energy for transmission outside the State.

"Governor Pinchot of Pennsylvania has sought to have established in his State a definite water-power policy.

"The tendency toward centralization of power in Washington and the establishment of bureaucratic government is becoming a dangerous menace to State rights and threatens to undermine and overthrow the fundamental principle of our dual form of government.

"It is now proposed in the legislation referred to in our letter to the Senators that a Federal commission shall regulate the rates to be charged the public for Muscle Shoals power by purchasers from it when they make distribution locally. To be effective, when this power is mixed with other power, the rates to be fixed must apply to all. The power of the State commission over the rates of power companies purchasing from Muscle Shoals would be wholly destroyed. The passage of either of the bills referred to, with the provisions quoted, would be a most serious blow at State rights, and it is astonishing to find this legislation proposed by southern Democrats.

"This commission is sending copies of its letter to Senators, to each Member of Congress, and to the several State commissions, in the hope that they will recognize the injustice and impossibility of such legislation and prevent its enactment."

MUSCLE SHOALS

Mr. HEFLIN. Mr. President, the editorial just read from the New York World is like some of the testimony that has come before the Committee on Agriculture and Forestry from the power interests opposed to the early disposition of Dam No. 2 at Muscle Shoals. A rather amusing thing in connection with the editorial is that it attacks the Ford offer, which my friend from Tennessee so ably and so eloquently supported here for months and months. I can hardly understand this move upon the part of my brilliant friend from Tennessee. He used to advocate the Ford offer and hold it up as the

most promising that was made and one that he thought was the very best that could be made or would be made, and yet now he is having read to the Senate an editorial that attacks the offer which he upon a former occasion lauded so eloquently in the Senate.

Mr. McKELLAR. If the Senator will permit me, I will say, in the first place, this is a very different proposal from the Ford offer. Even if it were not, the offer is now made in the interest of the power and fertilizer monopolies of the country, and I am not for either the power monopoly or the fertilizer monopoly, and therefore I am not in favor of the resolution. I think the suggestion of the World that it ought to be torn up as scrap paper should be carried out by the Senate.

Mr. HEFLIN. The power monopoly is back of the opposition to the resolution. The views of the power monopoly are echoed in the World editorial. I know this subject somewhat. I have been working with it and on it for quite a while; and when I hear a statement read which sounds so much like the statements made before the Committee on Agriculture and Forestry, I can not refrain from associating those interests together. Here is the New York World, 1,200 miles from Muscle Shoals, undertaking to tell the Congress what to do with Dam No. 2 when the President has recommended this course and the House has passed the resolution by a majority of 9 to 1, and the Senate Committee on Agriculture and Forestry has reported the resolution favorably by a vote of 11 to 5. It is necessary to dispose of Muscle Shoals at this session of Congress. The dam has been finished and the water power is ready for use. The resolution provides that bids may be made and that they shall be reported back to Congress by the 1st of April.

The Ford bill provided for a lease of 100 years, and my friend from Tennessee said that this is quite a different proposition from the Ford offer. It is. It provides for a lease of only 50 years to a private concern, the property to be operated by private individuals and paid for by them to the Government. My friend supported the Ford offer that provided for a lease of 100 years. He was in favor of Mr. Ford doing what he pleased with the power, and so were others who supported the Ford offer. No restrictions were to be placed about him. No restraint was thrown around him. No suggestion of that kind came from those who wanted to dispose of it to Mr. Ford. I can not quite understand such a complete change on the part of some Senators.

But in connection with this World editorial the Senator from Tennessee has had printed in the Record an article from the Birmingham Age-Herald purporting to come from the chairman of the Alabama Public Utilities Commission, in which he said something about the Alabama Power Commission controlling the rates on electricity produced at Muscle Shoals. I submit that the Muscle Shoals Dam is entirely within the State of Alabama. It is not partly in one State and partly in another, which situation might make it an interstate proposition.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield.

Mr. McKELLAR. Then, as I understand the Senator from Alabama, he indorses the statement purporting to come from the commission as it appeared in the Birmingham Age-Herald of the 19th instant, that no transmission line will be allowed to carry power outside of the State of Alabama, even though the United States Government has built the plant at an expense of \$137,000,000 with the money of all the people, that the power that is generated there can not be removed beyond the limits of the State of Alabama. Does the Senator subscribe to the doctrine which is set forth in the article as coming from the Alabama Public Utilities Commission? If the Senator means to indorse that statement of his public utility commission, I think the Senate should know it.

Mr. HEFLIN. That is not my position. I do not think the chairman of our public utilities commission made the statement exactly as it appeared in public print. I think there is a misunderstanding about it.

Mr. McKELLAR. I do not know about that. I have given it to the Senate as it appeared in the public press.

Mr. HEFLIN. Mr. President, the Senator from Tennessee [Mr. McKELLAR] was suggesting that the power commission in my State desires to regulate the rates for electricity produced in the State. I hold in my hand a resolution which was passed by the Chamber of Commerce of Knoxville, Tenn. This chamber is associated with the Chamber of Commerce of Harri-man, Tenn. In their resolution the Knoxville Chamber of Commerce uses this language in part:

Be it resolved, etc., That the development of the power possibilities of the navigable rivers of Tennessee should be made by private capital

under the provisions of the Federal water power act, and that the power therefrom should be distributed under regulation of the laws of Tennessee.

In the letter that I received from the chairman of the power commission in my State he suggested that the commission ought to have power over the rates in the State up to the State line. He also suggested that when the power crossed the State line the commission within the adjoining State should agree with the commission within the State of origin, and that if those two commissions could not agree, then, and not until then, should the Federal Government interfere. I think that is sound. I do not think anybody can find fault with that.

I wish to make a further observation at this point and then I am through. The New York World, undertaking to advise the Senate to tear up House Resolution No. 4, is busying itself about a dam that produces only 80,000 primary horsepower, that is Dam No. 2 at Muscle Shoals. One would think from reading the editorial that that dam would produce 500,000 primary horsepower or a million primary horsepower. Mr. President, not a great distance from there, on Little River, in the State of my good friend the Senator from Tennessee [Mr. McKELLAR], they are already producing 100,000 horsepower. The State commission of Tennessee controls the rates entirely; those rates are beyond the reach of the Federal Government; and I have seen nobody undertaking to put the regulation of those rates under the control of the Federal Government.

Private individuals in Tennessee are now making provision on Little River to produce 350,000 more horsepower, making in all 450,000 horsepower. The New York World has not opened its mouth about that, but it takes the time to write an editorial concerning 80,000 primary horsepower at Dam No. 2 at Muscle Shoals. I do not want to take up any more time in the morning hour, but I will have more to say on this subject next week when the resolution comes before the Senate.

Mr. McKELLAR. Mr. President, I should like to make just one observation. The power of which my distinguished friend from Alabama speaks as being generated in Tennessee has not been generated by the Federal Government out of the people's money, and that makes a very great difference in the situation.

Mr. HEFLIN. But the Federal Government, if the Senator will permit me, is undertaking to lease power that it has produced—

Mr. McKELLAR. It has not undertaken to do so as yet.

Mr. HEFLIN. And it is undertaking to get money for it by leasing it to private individuals. If private individuals bid for it and take it, they ought to have some right to say to some extent what they are going to do with it. The Government can not hold it and have it and lease it at the same time.

Mr. McKELLAR. We will reach that question later.

FARMERS' COOPERATIVE NEWS SERVICE

Mr. BROOKHART. Mr. President, I ask unanimous consent to have printed in the Record a bulletin entitled "Cooperative News Service," issued by the All-American Cooperative Association under date of February 15, 1926.

There being no objection, the bulletin was ordered to be printed in the RECORD, as follows:

CLEVELAND, OHIO, February 15, 1926.

EMPIRE STATE FARMERS GOOD COOPERATORS

That farmers in New York State know how to cooperate is proved by figures just released by the department of farms and markets. Business exceeding \$92,000,000 was reported for cooperatives in return for the 1924 crop. Of 1,384 cooperatives incorporated in 1917, 1,056 are to-day actively engaged in business. In other words, a higher percentage of cooperatives have stayed on the map in the last 10 years than private businesses.

Perhaps the largest milk cooperative in existence is the Dairymen's League Cooperative Association, with 65,000 farmer members in six States. Last year the league operated 150 milk plants. Wool growers, maple-syrup producers, orchard men, beekeepers, and other lines of farm endeavor are represented also by thriving cooperative marketing associations.

14,000 GET HEALTH VIA COOPERATION

Tuberculosis, broken arches, neuritis, burns, and a hundred other scourges of human kind are bringing thousands of New York garment workers to their union cooperative health center. To be exact, 9,299 cases were treated last year. Expert examining physicians and surgeons, X-ray machines, baking and massaging appliances, and other aids to better health all await the union member at a price which represents bare cost of maintenance. Another department of the health service, the dental clinic, treated 4,811 patients.

ORGANIZES UNION INVESTMENT FIRM

President Brande, of the New Jersey Building Trades Council, is organizing a union-labor investment corporation, with capitalization at \$5,000,000. Its object is to "finance all matters pertaining to the welfare and advancement of labor unions and their members throughout the State."

Danish farmers buy one-third of their stock feed through cooperatives and market one-half of their produce by the same method.

NO FAILURE AMONG COOPERATIVES

Failure has been the bogey shaken at the American cooperative movement for a generation. That private businesses fall or pass out of existence in greater numbers than cooperatives is, of course, ignored by the chronic pessimist. Nor does it trouble him that he uses the word "cooperative" to apply to every nondescript sort of an enterprise which may wish to use that magic word. Careful investigation of American cooperatives by impartial governmental agencies have disproved that claim, and now comes the secretary of agriculture in South Africa to add his testimony. Hundreds of private businesses failed in the Union in the past year, he reports, but not one cooperative went under. Two hundred and forty-three societies have enrolled 44,000 members, representing nearly half of the farmers of South Africa, as well as many consumers. Marketing of corn and general farm products constitute the bulk of cooperative activity, but wool, cotton, fruit are well represented in the roster.

The finest service of the movement down by the Cape of Good Hope has been to furnish cattle, sheep, implements, and seed to struggling farmers in districts where, by reason of locusts or drought, distress is great. Thousands of South Africans, who would otherwise have succumbed in the fight with a hard soil, have been enabled to stick to the land and rear a civilization in the wilderness.

SEE UTOPIA IN COOPERATIVE COLONIES

With the slogan "To-day's Utopia is To-morrow's Reality" a group of New York cooperators have established the Association for Community Cooperation to foster the growth of cooperative communities or colonies. The association discounts politics and violence as a means of ushering in a new civilization, appealing to social-minded persons to show the practicability of cooperative principles as applied in colony life. The association's address is 49 East Eighth Street, New York City.

COMMISSION COMPILES CO-OP REVIEW

The Federal Trade Commission, Washington, D. C., is conducting an inquiry into productive and consumers' cooperative societies, in pursuance with the request of the Senate. To this end it is circulating a questionnaire among cooperative societies to aid in the preparation of an authoritative review of American cooperation. Societies which have not yet received the questionnaire are requested by Millard F. Hudson, chief examiner of the Federal Trade Commission, to address him for copies.

MIGHTY ARMY OF FARM CO-OPS

Minnesota takes the banner for 1925 as the premier farm cooperative State, with a record of 1,383 societies listed by the Department of Agriculture. Iowa, Wisconsin, and Illinois follow in the order named. The department lists 10,803 "farmers' business organizations of all kinds, types, and sizes," most of which are cooperative marketing associations. A third are engaged in grain marketing and 2,200 in handling dairy products.

ONE HUNDRED CONSUMERS' COOPERATIVES IN MINNESOTA

The Northern States Cooperator, the interesting little bimonthly of the Northern States Cooperative League, has compiled a list of 98 Minnesota consumers' stores. Thirteen thousand five hundred families are listed as stockholders, with 400 employees, and a turnover of \$6,200,000 for 1925. Twenty stores were affiliated with the league and 18 with the Cooperative Central Exchange, the wholesale society. Societies averaged 150 members and 4 employees, with average yearly sales of \$67,000. A majority of the stores have been in existence 10 years or longer.

CREDIT UNION GOES OVER BIG

The Headgear Workers Credit Union is owned and controlled by 859 members of the Cloth Hat, Cap, and Millinery Workers' Union, of New York City. Its capital of \$125,000 was raised in 18 months.

PROHIBITION ENFORCEMENT

Mr. BLEASE. Mr. President, some time ago down in my State United States officers went to a man's houseboat while he was asleep to search for liquor. He was suddenly awakened, got out of his bed to defend his home, his castle, and was shot

to death by those officers. The United States Judge, a Republican, by the way, and a mighty good fellow, made the mistake of directing a verdict of not guilty in favor of those white officers and turned them loose in that community without even a reprimand.

Sometime ago while a negro in Marlboro County, S. C., was asleep in his home some white officers of the county, armed with what they called a search warrant, went to his house to search for whisky. They broke in; they woke him up, and he killed one of those white officers in that house, although the officer was armed with a search warrant. That negro was tried and convicted and sentenced to the penitentiary for life. The Supreme Court of the State of South Carolina reversed that verdict and said that he had a right to defend his castle and the officers had no right to be there searching for liquor at that time under the circumstances. Just two or three days ago the case was called for retrial at Bennettsville, S. C., and a circuit judge, a white man and a Democrat, instructed the jury to render a verdict of not guilty and turned that negro loose.

I want to have two articles relating to that case printed in the RECORD for future reference and to show to some people that the negro does get justice in the Democratic courts of South Carolina, whether some white people get it in the Republican courts of South Carolina or not.

The VICE PRESIDENT. Without objection, the articles will be printed in the RECORD.

The articles referred to are as follows:

[From the State, of Columbia, S. C., February 24, 1926]

MARLBORO NEGRO FREED IN DEATH—SLEW OFFICER SEARCHING HIS HOUSE—RULING OF COURT—SUPREME TRIBUNAL HELD WARRANT INVALID, AND JUDGE TOWNSEND DIRECTS VERDICT

(Special to the State)

BENNETTSVILLE, February 23.—Tom Dupre, negro, who shot and killed Rural Policeman B. P. Hatcher on the morning of May 17, 1924, was late this afternoon given his liberty under a verdict directed by Judge W. H. Townsend, presiding at the court of general sessions here this week.

Dupre had been in jail here since May, 1924, having been taken into custody about a week after the shooting occurred. He was tried at the summer term, 1924, the jury returning a verdict of guilty with recommendation to mercy. Judge E. C. Dennis, presiding, sentenced him to life imprisonment. An appeal was taken, and the supreme court recently held that the search warrant under which the officers were attempting to make a search of Dupre's house for liquor when Mr. Hatcher was shot was not legally executed, was a nullity, and the officers had no authority to force an entrance into the house.

The case was sent back to Marlboro County and the second trial began this morning. When the State's evidence was in, shortly before the recess for lunch, counsel for the defense moved for a directed verdict on the ground that the officers were acting without proper authority, forcing the door of the negro's home to make an entrance at an early hour in the morning, with the avowed determination of making a search of the premises. The motion was argued in the absence of the jury until 4.30 o'clock this afternoon.

In his decision Judge Townsend cited the constitutional provision of the State and the United States that all citizens and their property should be secure from unreasonable search and arrest.

"The law requires," he continued, "search warrants must be sworn out under certain conditions by a person who knows the circumstances, and any attempt of officers to enter and search a home must be based on a valid warrant."

"Mr. Daugherty, one of the officers, stated that he went to the house with the intention of making a search, not to make an arrest. He had no right to force the door open, nor to order Dupre to drop his gun, and after Dupre had fired the first shot, grazing Mr. Daugherty's shoulder, and Policeman Hatcher ran up from around the house to take Daugherty's part, he put himself in the same position as Mr. Daugherty in attempting to enter a house without a legal search warrant."

"It is regrettable that due to the magistrate not making out a proper search warrant an officer has been killed and this man has been held in prison for two years."

[From the News and Courier, of Charleston, S. C., February 24, 1926]

FREES NEGRO IN HATCHER KILLING—JUDGE DIRECTS VERDICT AT BENNETTSVILLE TRIAL—HOLDS WARRANT ILLEGAL—RURAL POLICEMAN WAS KILLED WHILE ATTEMPTING TO SEARCH HOUSE IN 1924

BENNETTSVILLE, February 23.—Tom Dupre, negro, who, it is alleged, shot and killed Rural Policeman B. P. Hatcher on the morning of May 17, 1924, was late this afternoon given his liberty under a verdict directed by Judge W. H. Townsend, presiding at the court of general sessions here this week.

Dupre had been in jail here since May, 1924, having been taken into custody about a week after the shooting occurred. He was tried

at the summer term, 1924, the jury returning a verdict of guilty, with recommendation to mercy. Judge E. C. Dennis, presiding, sentenced him to life imprisonment. An appeal was taken and the supreme court recently held that the search warrant under which the officers were attempting to make a search of Dupre's house for liquor when Mr. Hatcher was shot was not legally executed, was a nullity, and the officers had no authority to force an entrance into the house. The case was sent back to Marlboro County for retrial.

The second trial of the case was begun this morning. When the State's evidence was in shortly before the recess for lunch, counsel for the defense moved for a directed verdict, on the ground that the officers were acting without proper authority, forcing the door of the negro's home to make an entrance at an early hour in the morning, with an avowed determination to make a search of the premises.

The motion was argued in the absence of the jury until 4.30 o'clock this afternoon.

In his decision Judge Townsend cited the constitutional provision of both the State and the United States, that all citizens and their property should be secure from unreasonable search and arrest. The law requires, he continued, that search warrants must be sworn out under certain conditions by a person who knows the circumstances, and any attempt of officers to enter and search a home must be based on a valid warrant.

PRINTING OF TAX REDUCTION ACT

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives, which was read.

House Concurrent Resolution 12

Resolved by the House of Representatives (the Senate concurring), That there be printed 41,000 additional copies of the revenue act of 1926, of which 13,000 copies shall be for the use of the Senate document room, 25,000 copies for the use of the House document room, 1,000 copies for the use of the Committee on Finance of the Senate, and 2,000 copies for the use of the Committee on Ways and Means of the House of Representatives.

Mr. MOSES. I ask for the immediate consideration of the concurrent resolution.

The concurrent resolution was considered by unanimous consent and agreed to.

ACQUISITION OF LANDS IN DISTRICT OF COLUMBIA

Mr. PHIPPS. Mr. President, I ask unanimous consent for the present consideration of House bill 4785, which was passed by the Senate about a week ago and recalled from the House. It has to do with the development of Rock Creek Park. It was the intention when asking that it be recalled from the House to have it take its place on the calendar for reconsideration. I ask that the bill may be read, so that Senators may understand just what it comprises.

Mr. WALSH. Mr. President, I should like to inquire of the Senator whether it is likely to give rise to any protracted debate?

Mr. PHIPPS. I think not. If it shall do so, I will certainly ask that its consideration go over until a later time.

Mr. SMOOT. Mr. President, who requested that the bill be recalled from the House?

Mr. PHIPPS. I requested its recall, because I had an amendment pending which was not considered at the time the bill was acted upon during the call of the calendar.

The VICE PRESIDENT. The bill will be stated by title.

The CHIEF CLERK. Order of Business 154, House bill 4785, an act to enable the Rock Creek and Potomac Parkway Commission to complete the acquisition of the land authorized to be acquired by the public buildings appropriation act, approved March 4, 1913, for the connecting parkway between Rock Creek Park, the Zoological Park, and Potomac Park.

The bill was considered and passed on February 17, 1926.

On February 18, 1926, the Senator from Colorado [Mr. PHIPPS] entered a motion requesting the House of Representatives to return the bill, and at the same time entered a motion to reconsider the vote on the passage of the bill.

The VICE PRESIDENT. The Senator from Colorado moves to reconsider the vote on the passage of the bill. Without objection, the vote will be reconsidered; and, without objection, the vote whereby it was ordered to be read the third time will also be reconsidered.

Mr. PHIPPS. Mr. President, I send to the desk the amendment which I had filed prior to the consideration of the bill.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 1, beginning on line 9, it is proposed to strike out the following:

There is hereby authorized to be appropriated, out of the surplus revenues of the District of Columbia made available by Public Law 358, Sixty-eighth Congress, approved February 2, 1925, in addition to the sum authorized by said act of March 4, 1913, the sum of \$600,000—

And to insert in lieu thereof the following:

There is hereby authorized to be appropriated, in addition to the sum authorized by said act of March 4, 1913, the sum of \$600,000, 60 per cent of which shall be paid from the surplus revenues of the District of Columbia made available by Public Law 358, Sixty-eighth Congress, approved February 2, 1925, and 40 per cent from the Treasury of the United States.

Mr. OVERMAN. Mr. President, we ought to know something about this bill before we authorize the appropriation of all this money. I think we ought to know what the bill is for and all about it.

Mr. PHIPPS. I shall be pleased to make a short explanation.

The property in question lies between the present limits of the Rock Creek Park and the Potomac Park in the valley. Its acquisition for permanent park purposes is no doubt desirable; but my contention is that this is essentially a Federal rather than a local or District park.

As to the payment for the property, may I say that the surplus out of which it was proposed and ordered by the House that the appropriation should be paid was accumulated between the years 1916 and 1922. Going back just a moment, up to the year 1902 the District of Columbia had always had a credit balance at the end of the year. Then began a period of expansion and development. Expensive public buildings were erected and other work done beyond the means of the District with the limited tax which the commissioners were allowed to collect at that time, which was a rate of \$1.50 on two-thirds property valuation. The District, therefore, ran into debt to the extent of over \$6,000,000, which was ordered repaid to the Federal Treasury, and was repaid with interest at the rate of 2 per cent per annum. At the end of the year 1916 the District had succeeded in repaying those advances. Then the tax rate was advanced and the property valuation was put on a higher scale; and in 1920, if my memory serves me, we went upon a full-valuation scale. That resulted in the accumulation at the end of the year 1923, from 1916 to 1923, of, in round figures, five and a quarter million dollars, as found by the experts of the Treasury and the Comptroller General; and it was admitted and ordered by the Congress that that money belonged to the District and would be available for the purpose of erecting school buildings and public buildings and establishing parks.

Out of that surplus the appropriation bills of the current year carry about \$2,600,000, to be paid entirely out of the surplus, for the building of schools, without being matched by Federal contribution. The \$600,000 proposed in this bill the House ordered should be paid out of this surplus; and at the same time bills pending in the House carry something over \$2,000,000 for public-school buildings, which would completely exhaust this fund and leave nothing in the surplus whereby the District can acquire other desirable park properties. The District, through its representatives, has at various times advocated the acquisition of the Patterson tract, in one part of the city where they have no park, the easterly side, and also properties farther up Rock Creek which have never been appropriated for or authorized.

My contention is that this surplus having been accumulated when a proportionate basis was in use—really, during the time when the 50-50 proportion was in use—the Federal Government should at least contribute one-half for the acquisition of this additional park property; but in my amendment, to avoid discussion and to try to meet the matter in a fair way and in a spirit of compromise, I have suggested that it be upon the 40-60 basis.

I have here newspaper comments on the matter. I do not like to take up the time of the Senate in reading them; but I will say that the attitude of Congress in proposing that this entire amount be paid out of the District surplus is certainly most objectionable to the citizens, and appears to be unfair; and I think my amendment should be agreed to.

Mr. CURTIS. Mr. President, the Senator is not asking for the consideration of the measure at this time, is he?

Mr. PHIPPS. I am.

Mr. CURTIS. The chairman of the committee is absent, and I think he ought to be here when the bill is considered. I think the matter ought to go to the calendar, so that it can be taken up when both sides can be here. If not, we will have the same condition that arose before, as a result of which the motion to reconsider was made.

I ask that the bill go to the calendar, and it may be taken up in the regular order.

Mr. PHIPPS. I have no objection, if the Senator desires that course to be pursued.

The VICE PRESIDENT. Without objection, the bill will be placed on the calendar. The calendar under Rule VIII is in order.

ALUMINUM CO. OF AMERICA

Mr. WALSH. I ask unanimous consent that the unfinished business may be laid before the Senate.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate resumed the consideration of the report (No. 177) of the Committee on the Judiciary, submitted by Mr. WALSH on February 15, 1926, in the matter of the Aluminum Co. of America.

Mr. WALSH obtained the floor.

Mr. CURTIS. Mr. President, if the Senator will yield, I should like to suggest the absence of a quorum.

Mr. WALSH. I yield.

Mr. CURTIS. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Bingham	Frazier	Mears	Sheppard
Blease	George	Metcalf	Shortridge
Borah	Goff	Moses	Simmons
Bratton	Gooding	Neely	Smith
Brookhart	Hale	Norbeck	Smoot
Broussard	Harrell	Nye	Stanfield
Bruce	Harris	Oddie	Stephens
Butler	Heflin	Overman	Swanson
Cameron	Johnson	Pepper	Tyson
Capper	Jones, Wash.	Phipps	Wadsworth
Couzens	Kendrick	Pine	Walsh
Cummins	Keyes	Pittman	Warren
Curtis	La Follette	Ransdell	Wheeler
Dale	Lenroot	Reed, Mo.	Williams
Dill	McKellar	Reed, Pa.	Willis
Ernst	McLean	Robinson, Ark.	
Fess	McNary	Robinson, Ind.	
Fletcher	Mayfield	Sackett	

The PRESIDING OFFICER (Mr. ODDIE in the chair). Sixty-nine Senators having answered to their names, a quorum is present.

Mr. WALSH. Mr. President, it is a matter of regret to me that we were not able to reach this order of business a little earlier in the day. The Senator from Oklahoma [Mr. HARRELD], who prepared one of the minority reports, was very desirous of elaborating his views, but he is obliged to leave the city on a train departing at 2 o'clock this afternoon, and we are accordingly denied the opportunity of hearing him.

I shall hurry along in my review of the defense made for the Department of Justice and the Aluminum Co. of America in the hope that a vote may be reached on the report before us during the day.

I shall spend no further time in comment on the dawdling methods of the Department of Justice in prosecuting its perfectly needless investigation while the statute of limitations was running against the offenses of the company which have been made public.

No serious attempt has been made at either excuse or defense of its procrastination, either in the matter of its delay of four months before it ever did anything in connection with the report presented by the Federal Trade Commission, or in connection with Dunn's spending in the neighborhood of one-half of the six months which he devoted to the so-called field investigation conducted by him in the city of Washington, not in respect to the three months that elapsed after his report was submitted before anything else was done.

That investigation stands impeached by the dilatory methods by which it was pursued. It stands impeached by the methods that were followed in carrying on the investigation. It stands impeached by the lack of qualification of the investigator who conducted it. Moreover, it stands impeached by the character of the report that was made, as I shall abundantly show.

This report starts in with an effort to whitewash the Aluminum Co. of America, to impress the reader of the same with the view that this highly beneficent institution was really never at all condemned by the court which entered the decree against it in the year 1912. I wish to read from the report, but before I proceed with that I want to advert to the fact that the report covers a multitude of subjects apparently wholly unrelated to the question as to whether there has or has not been a violation of the decree.

Of the 85 pages of the report 56 pages are devoted to such unrelated topics as shown by the index. It tells about former acquisitions by the Aluminum Co. of America. It gives a brief history of the aluminum industry. It contains a description of aluminum and its uses, a brief statement as to bauxite and the process of converting it into aluminum. It tells about the organization of the Aluminum Co. of America, and of all its subsidiary companies, some 20 or 30, or possibly more than

that listed. It tells about the bauxite holdings of the Aluminum Co. of America, and discusses a large number of other subjects, including a statement showing the present number of persons employed by the company, together with the approximate amount of the annual pay roll.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question?

Mr. WALSH. Yes.

Mr. REED of Pennsylvania. Is it not true that in the Senator's opening statement, in which he impeached this company, he himself mentioned every one of those subjects, and, in addition, talked for a considerable time about the tariff?

Mr. WALSH. I did not.

Mr. REED of Pennsylvania. With the single exception of the number of persons employed by the company?

Mr. WALSH. I did not go into the subject of the former acquisitions of the Aluminum Co. of America. I did not give a brief history of the aluminum industry. I did not give a description of aluminum and its uses. I did not discuss the bauxite holdings of the Aluminum Co. of America except to state that they had a control of the commercial deposits of America. I was interrupted by the Senator from Pennsylvania, who introduced the subject of its foreign holdings, and I subsequently addressed myself to that subject.

Mr. REED of Pennsylvania. I understood the Senator from Montana to take a considerable time in discussing various subsidiary companies—

Mr. WALSH. I did not.

Mr. REED of Pennsylvania. Naming them, mentioning their acquisition, but neglecting to mention that the Department of Justice had approved it at the time.

Mr. WALSH. I mentioned just exactly those that have any kind of bearing upon the question as to whether there had been a violation of this decree or not. I mentioned the Aluminum Goods Manufacturing Co., of the stock of which the Aluminum Co. of America owns 33 1/3 per cent.

Mr. REED of Pennsylvania. The Senator mentioned the acquisition of the Norse Nitrate Co., or the Norwegian Aluminum Co.

Mr. WALSH. I mentioned the acquisition of the Norse Co. because the Senator challenged the statement I made with respect to that matter. The Senator must not complain because he drew these things out. It was not in my line of argument.

Mr. REED of Pennsylvania. My recollection, then, is at fault. I thought the Senator had introduced most of these topics himself of his own accord, and the tariff.

Mr. WALSH. I did not. The tariff was exceedingly important here.

Mr. REED of Pennsylvania. How does the tariff violate the decree of the court?

Mr. WALSH. The tariff does not violate the decree of the court; but the tariff, as I indicated, prevents competition with the company from foreign sources, and prevents the domestic manufacturer depending upon aluminum from going to any other source but the Aluminum Co. of America to get its supply.

Mr. REED of Pennsylvania. The Senator read figures which showed that upward of 40,000,000 pounds a year are imported from abroad.

Mr. WALSH. Exactly; from Norway, chiefly, where the supply is controlled by the Aluminum Co. of America.

Of this report, the pages from 56 to 85 are all that deal with infractions of this decree.

I want to recur now to what is said here in exoneration of the Aluminum Co. of America from the start. I read from page 6:

After describing aluminum and the processes by which it is manufactured, the petition—

That is to say, the petition upon which was founded the decree—

alleges that the Aluminum Co. of America owns and controls more than 90 per cent of all the known deposits of commercially available bauxite in the United States and Canada, but the petition raised no issue concerning the legality of the company's acquisitions and holdings of bauxite deposits.

So they start in just to exonerate the Aluminum Co. of America from any charge of violation of the antitrust act by reason of its control of the bauxite deposits.

Government counsel recognized that acquisitions of bauxite deposits made during the period when the Aluminum Co. of America owned the only patents covering the manufacture of aluminum could not be violative of the antitrust act. And so the petition expressly states.

And so forth and so forth.

Turning to the next page, I read:

Hence, according to Government counsel then in charge of the case, the defendant's control of bauxite lands was not in itself unlawful, but was only an element to be considered along with the other allegations of wrongdoing. Apparently it was their view that having so complete a control over the raw material, the Aluminum Co. of America should be scrupulously fair in its dealings with independent manufacturers of aluminum goods who competed with it or its subsidiaries.

That is to say, this carries an intimation that up to this time the Aluminum Co. of America had been all right, that it was guilty of no practices whatever that called for animadversion or injunction. But the court thought that simply because it owned these bauxite deposits it should, therefore, be scrupulously fair, and so it suggested that course, instead of enjoining the company, because it had been guilty of practices which it was declared in the complaint had been pursued for the purpose of harassing other operators and driving them out of business.

This apologetic report continues:

That the offense which led to the institution of the suit and the entry of the decree was not the acquisition and holding of bauxite deposits is further illustrated by the fact that on July 23, 1913, shortly after the entry of the decree, Attorney General McReynolds consented to the acquisition by the Aluminum Co. of America of certain bauxite deposits in Arkansas owned by the Sawyer-Austin Lumber Co., notifying counsel for the company that the department did not believe that the purchase of the bauxite deposits would be in violation of the decree.

Continuing on the same page:

The prayer of the petition was that the restrictive covenants in the several agreements set out in the petition be declared null and void and that the defendant be enjoined from engaging in various acts of unfair competition against competitors.

These are the contracts which the distinguished Senator from Pennsylvania tells us were harmless anyway, and, of course, the Aluminum Co. of America was willing to cancel them, if anybody thought they ought to be canceled.

What was the character of those contracts? They were of two classes. One of them was with a foreign corporation, generally spoken of as the Swiss company, the largest foreign competitor of the Aluminum Co. of America, and that contract was an agreement between these two companies by which they divided the European and American territory between them.

Mr. REED of Pennsylvania. Mr. President, will the Senator permit a question?

Mr. WALSH. I will.

Mr. REED of Pennsylvania. It is true that that contract was abrogated before this decree was entered, is it not?

Mr. WALSH. I am speaking about what the complaint charged. It was charged that that contract was in force, and a decree was obtained compelling them to abandon the contract.

Mr. REED of Pennsylvania. My statement yesterday was that before the decree was rendered the thing had been done by the company of its own accord.

Mr. WALSH. Exactly; before the decree was entered; that is to say, they recognized, their own counsel apparently advised them, that the contract was in violation of the Sherman Act. This is what the complaint says about the matter:

About September 25, 1908, the defendant, Aluminum Co. of America, acting through the Northern Aluminum Co., of Canada, which is entirely owned and controlled by defendant, entered into an agreement with the so-called Swiss or Neubaussen Co. of Europe, which is the largest of the European companies engaged in the aluminum industry, and designated in this agreement as "A. J. A. G.," parts thereof material to this action being as follows:

Now, instead of using the initials, I will speak of the Swiss company and the Aluminum Co.

The Aluminum Co. agrees not to knowingly sell aluminum, directly or indirectly, in the European market.

The Swiss company agrees not to knowingly sell aluminum, directly or indirectly, in the American market (defined as North and South America, with the exception of the United States, but including West Indies, Hawaiian, and Philippine Islands).

The total deliveries to be made by the two companies shall be divided as follows:

European market, 75 per cent to the Swiss company, 25 per cent to the Aluminum Co.

American market, 25 per cent to the Swiss company, 75 per cent to the Aluminum Co.

Common market, 50 per cent to the Swiss company, 50 per cent to the Aluminum Co.

The Government sales to Switzerland, Germany, and Austria-Hungary are understood to be reserved to the Swiss company.

The sales in the United States are understood to be reserved to the Aluminum Co.

Accordingly the Swiss company will not knowingly sell aluminum, directly or indirectly, to the United States of America, and the Aluminum Co. will not knowingly sell, directly or indirectly, to the Swiss, German, Austria-Hungarian governments.

The Aluminum Co. engages that the Aluminum Co. of America will respect the prohibitions hereby laid upon the Aluminum Co.

So much for the agreement with the foreign company. Now, about the domestic companies. These were certain companies engaged in the production of bauxite and they all entered into agreements with the Aluminum Co. of America by which they agreed that they would sell no bauxite to anybody for the manufacture of aluminum. They could use it for other purposes, but not for the manufacture of aluminum. These are the contracts which the Senator said, whether they were canceled or not, or when they were canceled, were entirely harmless.

Mr. REED of Pennsylvania. And every one of those contracts was canceled before the entry of the decree and nobody, not even the Senator from Montana, charges that they have been revived.

Mr. WALSH. I do not care whether they have or not.

Mr. REED of Pennsylvania. Why, then, does the Senator lay such stress upon them?

Mr. WALSH. Because the Senator from Pennsylvania in his argument the other day referred to the matter and declared that they were harmless contracts.

Mr. REED of Pennsylvania. They were harmless because they had been canceled.

Mr. WALSH. That is what the Senator meant. They were harmless after they were canceled. Of course, that is axiomatic.

Bearing in mind—

The report continues—

that the Federal Trade Commission act with its provision against unlawful competition, and the Clayton Act with its provision against price discrimination, had not then been enacted—

That is, in 1912—

and bearing in mind that the business of the Aluminum Co. of America was not one impressed with a public use, it is not entirely clear that there was a legal basis for the injunctions against discrimination in the decree.

The Department of Justice now tells us, although this decree was entered in 1912 upon the allegations to which I have called attention, that there probably was not any legal justification for the entry of any decree against the Aluminum Co. of America. What is the difference to them whether there was or was not? It is their business to carry out that decree and to prosecute any infractions of it whether it was well founded in law or fact when it was entered or not. That is the kind of report we have here from the Department of Justice. But let us go on.

However that may be, the code prescribed in the decree is highly ethical and desirable and one which any reputable corporation would adopt and observe, and so the decree was entered by consent. It is to be noted, however, that the decree is unique in that it does not contain a definite adjudication that the defendant has violated the antitrust law—an additional element of weakness, as shown by the Government's experience with the packers' decree in the local courts, which contained no such adjudication and which has been suspended by the court.

So the Aluminum Co. of America is whitewashed by the statement that there was no evidence whatever to indicate that there was any violation of the antitrust act resulting in the decree.

But, Mr. President, the provisions of the report to which I have directed your attention bear, as will be recalled, a most striking resemblance to the argument of the distinguished Senator from Pennsylvania in the opening part of his address made the other day. Indeed, the Senator from Pennsylvania could not have been more justified in his encomiums upon the Aluminum Co. of America by this report if he had actually written the report himself.

But let us consider the report a little further. At page 11 of the report we find the following:

Having in mind the purpose and scope of the petition and decree it is apparent that any acts committed by the Aluminum Co. of America, to constitute a violation of the decree, must have been done with

the deliberate purpose to injure a competitor, and thus eliminate or lessen competition in the business.

I deny that, and the decree itself denies it. If the things prohibited by the decree are done by the company it is entirely immaterial with what purpose it does them.

Mr. REED of Pennsylvania. Does the Senator mean that any delay which is prohibited by the decree is punishable as a contempt if that delay is due to causes beyond the control of the company?

Mr. WALSH. The decree does not prohibit delays. It simply prohibits delays which are not reasonable, and if a delay is unreasonable, it does not make any difference whether the company did it for the purpose of breaking a competitor or not, it is in violation of the decree, and it was purposely made so in order that it would not be necessary to show the intent and purpose of the company in doing those things. It was presumed to intend the natural and necessary consequences of its acts.

Mr. REED of Pennsylvania. Does the Senator think a decree so construed is valid or would be held to be valid in any court?

Mr. WALSH. I have not the slightest doubt about it.

Mr. REED of Pennsylvania. That a construction presuming that would be placed upon any delay?

Mr. WALSH. Any delay that was unreasonable.

Mr. REED of Pennsylvania. But who is to say it is unreasonable?

Mr. WALSH. As a matter of course, the court is to say it.

Mr. REED of Pennsylvania. How is the court to say it without knowing what the purpose was?

Mr. WALSH. Let us see what the decree provides. Paragraph 7, subdivision (b), of the decree says:

To prevent all undue discriminations upon the part of the defendant and its officers and agents * * * it is restrained from * * * delaying shipments of material to any competitor without reasonable notice and cause.

That is all we would have to show in order to put the company in contempt. Next it is provided:

Or refusing to ship or ceasing to continue shipments of crude or semifinished aluminum to a competitor on contracts or orders placed, and particularly on partially filled orders, without any reasonable cause and without giving notice of same, or purposely delaying bills of lading on material shipped to any competitor, or in any other manner making it impossible or difficult for such competitor promptly to obtain the material upon its arrival.

Now, I call attention particularly to this:

Or from furnishing known defective material.

The Senator from Pennsylvania claims, and this report claims, that it is not enough to show that they shipped defective material, but it must be shown beyond a reasonable doubt that it was done for the purpose of breaking the competitor. There is not anything of that kind in the decree, and it is not susceptible of any such construction as that.

But that is not all, Mr. President. The report says that the charges of infractions of the decree are all confined to section 7 thereof, while the evidence indisputably shows a plain and undeniable infraction of the decree under the provisions of section 6 of the decree. I will call attention to section 6, which provides as follows:

That the defendant, and its officers, agents, and representatives be, and they are hereby, perpetually enjoined from entering into a contract with any other individual, firm, or corporation of a like or similar character to the above-quoted provisions in the contracts between the Aluminum Co. of America and the General Chemical Co., between said Aluminum Co. and the Norton Co., between said Aluminum Co. and the Pennsylvania Salt Manufacturing Co., and between said Aluminum Co. and Kruttschnitt & Coleman, or either of them, and from entering into or participating in any combination or agreement the purpose or effect of which is to restrict or control the output or the prices of aluminum or any material from which aluminum is directly or indirectly manufactured.

Now I ask Senators to take note:

And from making any contract or agreement the purpose of or the effect of which would be to restrain commerce in bauxite, alumina, or aluminum, or to prevent any other person, firm, or corporation from or to hinder him or it in obtaining a supply of either bauxite, alumina, or aluminum of a good quality in the open market in free and fair and open competition, and from themselves entering into or compelling or inducing under any pretext or in any manner whatsoever the making of any contract between any persons, firms, or corporations engaged in any branch of the business of manufacturing aluminum goods, the

purpose of which would be to fix or regulate the prices of any of their raw or manufactured products in sale or resale.

Bear in mind, Mr. President, they are enjoined from entering into any contract of any character whatever the effect of which would be to prevent anyone desiring to get aluminum from going into a free and open market to get it. The evidence here is indisputable that they entered into contracts with the Budd Manufacturing Co. or the Fisher Body Co. in the years 1922 and 1923, by which they compelled those companies to turn back to the Aluminum Co. of America every bit of scrap they had, so that other producers of aluminum in the United States could not get that raw material in order to supply their demands.

Mr. REED of Pennsylvania. Is it not also in evidence that those companies themselves insisted upon having that provision in their contracts to furnish an outlet for such material?

Mr. WALSH. Yes; and I am glad the Senator spoke about that. I will satisfy him on that point directly. It will be recalled that testimony was produced here from the report of Mr. Digges, giving his interviews with these manufacturers using scrap aluminum in order to supply sheet aluminum to the trade, in which they complained about these contracts and the price of scrap aluminum being put so high, almost to the very verge of virgin aluminum; that it was utterly impossible for them to get their usual supply of scrap aluminum in the market. Not only that, but they had binding contracts with these great users of aluminum, by which they were compelled to turn over to the Aluminum Co. of America every bit of scrap aluminum which they produced, and that was the condition upon which they could get virgin aluminum from the Aluminum Co. of America.

Now, we come to the Digges report. My esteemed friend, the Senator from West Virginia [Mr. Goff], supplied us in his remarks yesterday with an important item of testimony in this matter. He was referring to what appeared in the Digges report upon this branch of this interesting inquiry and was somewhat critical of me because I did not read from Dunn's report the interview that he had with the officers of the Budd Co. as contrasted with the interview that Digges had with the same gentlemen. He said, on page 4540 of the CONGRESSIONAL RECORD of February 25, as follows:

The Senator from Montana shows that Mr. Digges had a very long and interesting interview with the Budd Manufacturing Co. He did not, however—

Says the Senator from West Virginia—

He did not, however, read Mr. Dunn's interview with that same company. I shall read it for the information of the Senate, and I shall ask the Senate to consider whether it is or is not worthy of great credence and of great belief.

So he reads Dunn's report of his interview with the officers of the Budd Co., in which Dunn tells us:

During the period when the Budd Co. was using aluminum on a large scale, 1922 and 1923, it purchased all of its metal requirements from the Aluminum Co. of America on contract. In the earliest contracts, there were no restrictive clauses as to the disposition of scrap by the Budd Co.; subsequently, in July, 1923, the Aluminum Co. of America changed its policy and made its performance of its metal contracts contingent upon the return to it at a price by the Budd Co. of all scrap resulting from the use of sheet aluminum in its operations.

Mr. MOSES. Mr. President, may I ask the Senator from Montana from what page of the Record he is reading?

Mr. WALSH. I am reading from page 4540.

I am glad there is on the floor of the Senate at this time no inconsiderable number of the Members of this body, lawyers of eminence and discernment, who usually give thought to the important questions of law that arise in the course of our labors here, and I want to ask any of them if he fails to find in these contracts containing their restrictive covenants anything except a plain violation not only of the court decree but of the Sherman Act itself? How can they be justified?

The Aluminum Co. of America says, "We will sell you virgin aluminum at a certain price, but, in order to get that price, you must agree that you will turn back to us every piece of scrap aluminum that you have, so that it will not get into the market, where it can be picked up by independent producers who would turn it into sheet metal and put it upon the market in competition with the Aluminum Co. of America."

Mr. REED of Pennsylvania. Does the Senator from Montana mean that an isolated contract of that sort made with one consumer in the United States constitutes a violation of the Sherman Act?

Mr. WALSH. The "isolated case" has absolutely nothing to do with it at all. Here is the contract which is made in plain violation of the terms of this decree. Moreover it is not an "isolated case." That company made the same contract with the Fisher Body Co.; they made the same contract, as my recollection is, with something like half a dozen companies using aluminum in the production of automobile bodies and other articles of like character.

Mr. REED of Missouri. Were they among the heavy users of aluminum?

Mr. WALSH. They were among the heaviest users in the United States. The Fisher Body Co., as everybody knows, is the greatest producer of automobile bodies in the country.

Mr. President, there is no question about this; there is no question of fact here at all. There is a simple controversy over a question of law between the Senator from Pennsylvania [Mr. REED] and myself upon this question, and, I might say as well, between the Department of Justice and myself, as to whether or not these contracts constitute a violation of the court decree. I unhesitatingly say they do.

Mr. REED of Pennsylvania. The Senator from Montana will admit that that subject is now under investigation by the Federal Trade Commission.

Mr. WALSH. The Federal Trade Commission has nothing at all to do with the subject.

Mr. REED of Pennsylvania. I did not ask the Senator whether it had or not; but I asked whether it is not a fact that it is at present investigating the subject?

Mr. WALSH. The Federal Trade Commission is now investigating the question as to whether or not the Aluminum Co. of America has been guilty of unfair practices in connection with the subject of sand castings and scrap aluminum.

Mr. REED of Pennsylvania. And the whole purpose of buying that scrap is for use in sand castings? Is not that true?

Mr. WALSH. That is quite right.

Mr. REED of Pennsylvania. And that subject is now being tried out by the Federal Trade Commission in hearings at Pittsburgh during the present week.

Mr. WALSH. It does not make any difference whether it is being tried or is not being tried; I do not care anything about it; I do not care anything about what the Trade Commission is doing or is going to do or has done. I am saying that it is the duty of the Department of Justice at once to institute proceedings for contempt for the violation of section 6 of the court decree in the execution of these contracts.

This is not the only thing that stamps this remarkable report as unworthy of the consideration of this body. Let me call the attention of Senators to another fact.

Mr. WILLIAMS. Mr. President, may I ask the Senator from Montana a question for my information at that point?

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Missouri?

Mr. WALSH. Yes.

Mr. WILLIAMS. Does the Senator from Montana contend that the price which the Aluminum Co. offers a consumer, such as the Fisher Body Co., for example, for the return of the scrap material—and by "scrap" I understand is meant the material that is not used by the Fisher Body Co.—has anything to do with the prices fixed by the Aluminum Co. to other consumers? Does the mere fact that they demand back that amount of scrap constitute the vice of the contract?

Mr. WALSH. They demand back the scrap at a price which they have fixed so high that the independent producer can not possibly buy any scrap in the market. It elevates the price of scrap on the market to such a figure that the independent producer can not afford to buy it; and accordingly the greater number of them have got to sell their scrap to the Aluminum Co. of America.

Mr. WILLIAMS. My point is: Does the price fixed for the scrap in the contract and for its return to the Aluminum Co. have anything to do with the price fixed by the Aluminum Co. to the Fisher Body Co.?

Mr. WALSH. The price of what?

Mr. WILLIAMS. The price of aluminum.

Mr. WALSH. The price of sheet aluminum?

Mr. WILLIAMS. Yes.

Mr. WALSH. The price of sheet aluminum is fixed by the Aluminum Co. by a schedule, whether the aluminum be produced from ingots or from the scrap aluminum.

Mr. WILLIAMS. There is no suggestion of a rebate there, is there?

Mr. WALSH. No.

Mr. WILLIAMS. Eliminating the point of a rebate in price, due to the fact that the price of scrap is fixed at so high a

figure that others can not buy, will the Senator from Montana please state exactly what the vice of that particular provision in the contract is?

Mr. WALSH. The particular vice is that it prevents anybody else from buying scrap.

Mr. WILLIAMS. Very good; but in the sale of the material itself the aluminum, the sheet metal which is sold by the Aluminum Co. to the Fisher Body Co., for example, is it perfectly competent to include in the contract a provision that the scrap may be repurchased at a price fixed?

Mr. WALSH. That it may be repurchased at a price fixed?

Mr. WILLIAMS. Yes.

Mr. WALSH. That is not the point at all. The company, according to Mr. Dunn, makes it a condition of supplying any aluminum at all that the scrap shall be returned.

Mr. WILLIAMS. Suppose it does, what follows from that?

Mr. WALSH. It follows that the market for scrap aluminum is destroyed.

Mr. MOSES. Let me ask the Senator, does that follow?

Mr. WILLIAMS. I have not finished as yet.

Mr. MOSES. I beg the Senator's pardon.

Mr. WILLIAMS. Suppose a citation were issued by the court against the Aluminum Co. charging them with a breach of the decree or a breach of the Sherman Antitrust Act because of that provision in the contract. If the Senator were sitting as a judge in that case, the question would be whether he would hold that they had violated the Sherman antitrust law and whether he would issue an injunction, or whether, having issued an injunction, he would declare that to be a violation of the injunction. Mark me, I am not trying to defend the Aluminum Co.; I think it has no place here; I think this ought not to be an inquisition; I think we ought to be permitted to address each other as Senators and not as fellow members of a jury; but, aside from that, I was trying to find in the Senator's mind, if I could, just what the vice of that contract might be.

Mr. WALSH. I have tried to make myself plain about it.

Mr. MOSES. Mr. President—

Mr. WALSH. I will ask the Senator to wait a moment. It will be observed, according to Mr. Dunn—and that, of course, is just what Digges told us—

Mr. WILLIAMS. I take it, it makes no difference who makes the statement.

Mr. WALSH. Of course not. The Aluminum Co. of America had certain contracts with the Budd Co., by which it agreed to sell to the Budd Co. aluminum at a price fixed in those contracts. Suppose nothing was said about scrap at all, so that if the Budd Co. had scrap as a by-product of its operations it could go into the market and sell that scrap to anybody who would pay for it, the Aluminum Co., or the Bohn Co., of Detroit, or the Waltz Co., or some other company, or a half a dozen other different independent companies which were very desirous of getting scrap, indeed, were obliged to get it in order to stay in business at all. In that situation of affairs, the Aluminum Co. of America comes in and makes a contract by which it gathers up all that scrap itself; it thus shuts out the other people, and thus they are prohibited from buying a supply in the open market in free and fair competition.

Mr. WILLIAMS. A farmer in Washington County, Mo., might sell a lot of corn to a pipe factory and provide that the cobs should be used by the factory and the corn returned to him, or the factory might make such an arrangement. I myself do not see the vice in that.

Mr. SWANSON. Mr. President, may I ask the Senator from Montana a question for information?

Mr. WALSH. Mr. President, I really should yield first to the Senator from New Hampshire.

Mr. MOSES. Mr. President, I wish to ask the Senator, first of all, if it follows as a matter of fact that the price of the scrap was advanced by reason of this contract with the Budd Co.?

Mr. WALSH. I will say to the Senator, that is what the Digges report says that the price of scrap aluminum went up automatically with these contracts.

Mr. MOSES. Might there not have been a practical reason in the manufacture of aluminum for the company to make such a contract? Understanding that the scrap they would get back from the Budd Co. or any other company to which they sold was their own aluminum, they would know that it was of a higher grade of purity and would not have to be refined again in order to be used for making sand castings.

Mr. WALSH. Of course, the Senator asks that question in perfect innocence, but he will bear in mind—

Mr. MOSES. The Senator from New Hampshire is innocent; he confesses his innocence.

Mr. WALSH. The Senator will bear in mind that there is no quality of aluminum either better or worse than that put out by the Aluminum Co. of America.

Mr. MOSES. My understanding is that there are numerous alloys that are used by many manufacturers after they get the aluminum in ingot form and that the scrap from such aluminum would not be nearly so valuable and useful.

Mr. WALSH. The Senator shows again his unfamiliarity with this matter.

Mr. MOSES. I prefer the word "innocence," Mr. President, if the Senator does not mind.

Mr. WALSH. The aluminum, in the first place, as told at some length by the Senator from Pennsylvania, is sold in ingots; there is no producer of ingot aluminum in the United States except the Aluminum Co. of America. Everybody must buy these ingots from the Aluminum Co. of America. There are some rolling mills that roll it into sheets—

Mr. MOSES. There are many concerns also that cast it and probably use alloys with it.

Mr. WALSH. The only way they can get it is to buy the virgin aluminum from the Aluminum Co. of America or go out in the market and buy scrap.

Mr. MOSES. And having bought the virgin aluminum and used alloys with it, the scrap would be impure.

Mr. WALSH. They do not have a thing to do with the alloying of it. The alloying takes place in the production of the ingots.

Mr. MOSES. And never at all after it goes into the hands of the manufacturer?

Mr. WALSH. Never.

Mr. MOSES. I am quite sure that the Senator is mistaken about that, because I happen to have some personal contact with a foundry that does that.

Mr. WALSH. The Senator is right so far as the sand castings are concerned; there is no question about that.

Mr. MOSES. Well, sand castings result in a great deal of scrap.

Mr. SWANSON. Mr. President—

Mr. WALSH. I yield to the Senator from Virginia.

Mr. SWANSON. As I understand the contention of the Senator from Montana, it is that the Aluminum Co. of America has an absolute monopoly of the virgin aluminum. In order to protect that monopoly they must control the scrap. Then they can fix the price of the virgin metal. So, in defiance of the court decree and in defiance of the Sherman antitrust law, they proceed to get control of the scrap all over the United States, so that the combination of the virgin and scrap aluminum gives them an absolute monopoly. I understand that is the position taken by the Senator?

Mr. WALSH. Exactly.

Mr. SWANSON. And, as I understand, the facts as shown by these contracts justify that contention.

Mr. REED of Pennsylvania. Surely the Senator from Montana could not have meant to give any such impression to the Senator from Virginia, because as a matter of fact the record shows that this company in 1923 bought less than 25 per cent of the scrap that was on the market and reported to the Department of Commerce, and that in other years its purchases were never as much as 12 per cent.

Mr. SWANSON. I understand that.

Mr. REED of Pennsylvania. Now, obviously it could not control the market by buying 12 per cent of the scrap.

Mr. SWANSON. As I understood, the contracts made the price of scrap very high. Of course, if the Aluminum Co. could put up the price of scrap by requiring these contracts of large users, whether they bought it or somebody else bought it, it kept the price of virgin aluminum high, did it not?

Mr. REED of Pennsylvania. No, Mr. President; it did not make one cent's worth of difference whether they bought the scrap they needed from the Fisher Body Co., or whether they bought it from John Jones, or from some one else. It did not matter where they bought it. The purchase of the amount they needed, of course, had that effect in the market, just as the purchase of any amount by anybody is reflected in the price; but it did not matter at all whether they bought from Budd in Philadelphia, or from the Fisher Body Co. in Detroit, or whether they went out in the market and bought it from junk dealers. They took just so much metal off the market, and fundamental economics tells us that if they only bought a small quantity it only had a small effect, and that to control the price they would have to corner it; and nobody pretends that they did.

Mr. WALSH. I suppose, in due time, some explanation will be made of these contracts. On the face of them, they appear in plain violation of this decree, as I have stated.

Mr. President, there are a few other features in this report to which I desire to invite your attention.

The Senator from Pennsylvania in his address told us that the only infraction of the decree to which reference is made in the report of the majority of the Committee on the Judiciary is that in relation to defective material; and the only other serious complaint he tells us about is the delays in the delivery of material.

With respect to the first, Mr. President, the shipping of defective material, he tells us that the idea is absurd that that constitutes a violation of the decree; and with reference to the delays in shipments constituting a violation of the decree, he tells us that that is silly.

Mr. REED of Pennsylvania. I did not know any stronger words, Mr. President.

Mr. WALSH. I was going to say that if the idea in the one case is absurd and in the other case is silly, the absurdity and the silliness must be charged up against Harlan F. Stone, then Attorney General of the United States, now Associate Justice of the Supreme Court of the United States, for it was he who said that these violations had been so frequent and so repeated that the intent can hardly be disregarded.

Mr. REED of Pennsylvania. Mr. President, where can the Senator find that?

Mr. WALSH. I am going to read it.

Mr. REED of Pennsylvania. I hope the Senator will.

Mr. WALSH. I read from the letter of Attorney General Stone of January 30, 1925, which will be found at pages 7 and 8 of the committee hearings. After reviewing the prohibitory provisions of the decree and the complaints of breaches of the decree, the Attorney General continues:

Without attempting to review the evidence submitted in your report, it is sufficient to say that the evidence submitted supports to a greater or less extent the above-recited complaints of the competitors. And especially is this clear and convincing in respect to the repeated shipments of defective materials, known at the time of shipment to be defective. This became so common and so flagrant as to call forth remonstrances from Mr. Fulton, of the Chicago office of the company. On July 28, 1920, he wrote the company:

"In my opinion the grade of sheet which we are shipping is in many cases considerably below our pre-war standard. . . .

"The last six months we have had some very critical situations with several of our customers on account of the buckled sheet which we have been shipping, so much so that at least two have told us plainly that if they were able to get better sheet they would reject every bit that we had shipped to them. . . .

"Of the sheet on which we have authorized replacement or credit I would say that at least 90 per cent of it should never have left our mills, and without any extra expense or trouble to the company should have been caught at the inspection."

On October 21, 1920, Mr. Fulton again wrote the company:

"I think it again of vital importance to call your attention to the class of sheet which is slipping through our inspection department. . . .

"The greatest complaint is in reference to our coiled sheet.

"About three different customers within the last week have stated that they have hardly used any of our coiled sheet on account of the wide variation of gauge, there being as much of a variation as 4 and 6 B. & S. numbers in the same coil. This, of course, indicates nothing but careless rolling and more careless inspection.

"The next most general complaint is our shearing, in that the shearing is not correct to dimensions, especially width."

In December, Mr. Fulton, after an inspection tour of several plants, again calls attention to the complaints and to the defects in materials being shipped. Among other things, he says:

"There are many things which I know the operating end could remedy without delay, which now are causing a great deal of trouble. No doubt one of the biggest sources of our poor sheet is the apparent increased quantities of scrap that we are putting into our 2S sheet. The appearance of the drawn sheets is a direct give away as to what is going into the metal.

"This is something I have in no way discussed with any of our customers and have steered them off the track whenever they have brought it up, but went over it thoroughly with Mr. Yoltan, and he assured me he would discuss this at length with Mr. Hunt."

There is also to be found this complaint from a Cleveland customer, under date of May 9, 1921:

"Now . . . can your inspectors pass all this up at your mills? This is an idea that I wish you could confer to your mill heads with force enough to get them to take a little interest in it and not burden us with the tremendous expense of running and handling this metal. The mere fact that we send it back for full credit don't mean anything to us, for we are out all the labor, time, and trouble of handling, which is a very expensive proposition."

It is apparent, therefore, that during the time covered by your report, the Aluminum Co. of America violated several provisions of the decree. That with respect to some of the practices complained of, they were so frequent and long continued, the fair inference is the company either was indifferent to the provisions of the decree, or knowingly intended that its provisions should be disregarded, with a view to suppressing competition in the aluminum industry.

So this, Mr. President, is what is characterized by the Senator from Pennsylvania as silly.

Mr. REED of Pennsylvania. Mr. President, the Senator has been so generous in allowing me to interrupt him that I am becoming timid about it. Will he permit me to ask him a question?

Mr. WALSH. I assure the Senator that I shall welcome any interruptions from him.

Mr. REED of Pennsylvania. I thank the Senator.

In the first place, does not the Senator think that it would be fair to put in the RECORD, after reading that letter, the statement which Assistant Attorney General Donovan made at page 121 about that very letter, and what Justice Stone said about it?

Mr. WALSH. Yes.

Mr. REED of Pennsylvania. He said there—

Mr. WALSH. Just a minute. Justice Stone did not come on the stand, and I talked with Justice Stone myself. I have no objection now to the Senator reading what Mr. Donovan said Justice Stone told him.

Mr. REED of Pennsylvania. Justice Stone was available as a witness, and, I understood, had expressed his desire to come.

Mr. WALSH. Now that the Senator has made that statement, I beg to say that he expressed to me a desire not to come. I went to him for the purpose of getting him to come.

Mr. REED of Pennsylvania. I understood from my talk with him that he was disappointed that he had not been called. However, Attorney General Donovan says, at page 121:

My recollection is that shortly after that I spoke to Attorney General Sargent and said that I felt I ought to talk with former Attorney General Stone. I went to see Mr. Justice Stone—I had read a copy of his letter—and I said, "I have just looked at the summary of the report of the Federal Trade Commission, and I wondered whether this letter of yours was based upon an investigation or whether you prepared it yourself, or whether it was based upon the report." As I recall, this is the substance of what he said.

When that report came in, he said, he referred it to Mr. Seymour, and he said it was his understanding that there was to be a report prepared upon the investigation of the evidence and of the facts. As I recall, that memorandum came in some time in October, 1924. Of course, I knew nothing about that; I was not in office at that time.

Then he said that when the letter was handed to him, which he had not prepared, he just assumed that it was based upon the facts, and he signed the letter.

One more question, and then I will try not to interrupt any more.

Does the Senator, with all his experience in antitrust cases, think that the shipment of defective material mentioned in that letter of Justice Stone is a violation either of the Sherman law or of the decree, if it be shown that at the same time similar material was going to the company's own finishing mills, so that there was no discrimination against the competitors of the company?

Mr. WALSH. I have no hesitancy in answering in the affirmative—none whatever—because the decree does not, as the Senator contends, declare to be a violation of it a shipment of defective material for the purpose of putting the other man out of business. If he ships the defective material knowing it to be defective, he violates the decree.

Mr. REED of Pennsylvania. I am glad the Senator is making his position clear.

Mr. WALSH. I thought I had a while ago.

Mr. REED of Pennsylvania. It has not been clear to me before this time. Admitting, as we all do, that a great deal of defective material was produced during 1920 in times of labor difficulties, it is the Senator's contention that if any of that was allowed to go to the competitors, if the company failed to use all the defective material in its own finishing mills, but treated competitors and its own mills indiscriminately, that was nevertheless a violation of the decree?

Mr. WALSH. No. The Senator has not stated my position accurately at all. He has omitted altogether the item of knowledge.

Mr. REED of Pennsylvania. Oh, I should have included that. It is the Senator's contention that if, with the knowledge that this material was uncertain in gauge, they shipped any of that defective material to their competitors, that was a vio-

lation, regardless of the fact that they had to treat their own finishing mills in exactly the same way?

Mr. WALSH. I do not know whether failure to supply the material exactly to gauge would be classed as furnishing defective material or not.

Mr. REED of Pennsylvania. That was the type of defect that was mentioned. I did not mean to limit it to that.

Mr. WALSH. But I want to say to the Senator with entire frankness that I do not think it makes a bit of difference, so far as this decree is concerned, whether they shipped the same defective material to their subsidiary companies or not. That does not make a bit of difference, because, Mr. President, they can put an independent out of business by shipping defective material to all their customers. They are a mammoth in the industrial life of this country, with assets worth more than a hundred million dollars. What difference does it make to them if by reason of some defect in material one of their subsidiary companies does not make quite so much money as it otherwise would? It is the poor, struggling company that takes this defective material that will be put out of business.

Mr. President, this decree did not so provide. It provided simply that if they sent known defective material to any of their customers they violated this decree.

Mr. REED of Pennsylvania. The Senator will grant that is a pretty high standard for human beings.

Mr. WALSH. It is a pretty high standard, and the court recognized that nothing less would keep this company within bounds.

Mr. REED of Pennsylvania. Precisely; I understand that that is the Senator's position. Then the Senator contends that this company at its birth—

Mr. WALSH. Wait! The Senator has asked me these same questions repeatedly, and I want to be courteous; I want to answer him, but I do not want to travel over the same ground.

Mr. REED of Pennsylvania. Very well. I will reply to the Senator later.

Mr. WALSH. Mr. President, so much for the report which acquits the defendant of any violation of this decree upon the ground that it supplied defective material, known to be defective, as prohibited by the decree.

Now, as to the subject of delays, complaint about which is said to be silly. Perhaps those who have been following this discussion will remember that I called attention, in my address of a week ago yesterday, to the table which will be found on page 101 of the report of the Federal Trade Commission, from which we find the following. Let me say, in the first place, that complaints were made by various customers of the Aluminum Co. of America to the Federal Trade Commission of delays in shipment of material that was ordered by them. They had entered into contracts under which they were obligated at a certain time to meet their orders, and in order to meet their orders they must be assured of getting the necessary supply of sheet aluminum with which to produce their manufactured products. Accordingly, they laid their orders with the Aluminum Co. of America for delivery at a certain time, and they were complaining that they did not get their aluminum at the time it was ordered.

The Federal Trade Commission asked the Aluminum Co. of America to give them a table showing the dates when shipments were made in respect to the dates when the orders matured, and to give information concerning the cases in which shipments were made within a month after the orders matured, within two months after they matured, within three months after they matured, and so on. They asked for information for 1920, 1921, and 1922, but they got the information for 1922 and the first six months of 1923 only, and with reference to only seven companies.

The table shows that for the 12 months of 1922 only 66.26 per cent of the Aluminum Co.'s obligations were shipped in the month when the obligation matured, or within one month thereafter. Over 25 per cent of the obligations were shipped in the second month after the maturity, and 7.69 per cent in the third month. That is to say, with respect to 7.69 per cent of the orders, the shipments were not made until three months after the orders had matured.

Mr. REED of Pennsylvania. That was the year of the coal strike, was it not?

Mr. WALSH. I am unadvised as to when the coal strike occurred. The coal strike must have been a rather protracted one, because this covers the whole period of 1922 and six months of 1923.

Mr. GOFF. Mr. President—

THE VICE PRESIDENT. Does the Senator from Montana yield to the Senator from West Virginia?

Mr. WALSH. I yield.

Mr. GOFF. I do not understand the Senator to contend that the failure to make those shipments in and of itself was a violation of the decree?

Mr. WALSH. No. The decree says "without reasonable cause." That is as far as we can go in the matter. Delay without reasonable cause constituted a violation of the decree.

Mr. GOFF. And those very words, "reasonable cause," necessitated the investigation which the Department of Justice made.

Mr. WALSH. Yes; and what did they find?

Mr. GOFF. They found there was reasonable cause.

Mr. WALSH. Will the Senator tell us how they found that for the six months of 1923? During the month when orders matured the shipments amounted to only 75 per cent of the orders, and the second month thereafter 17.75 per cent were delayed at least 60 days, and 6.60 per cent were delayed for three months after the orders matured.

Mr. GOFF. That may all be very true, but with the absence of an intent or a purpose to bring about that delay it is all immaterial.

Mr. WALSH. It does not make a bit of difference what the intent was; if the delay was unreasonable, the violation has occurred. I understand perfectly well that these gentlemen contend that every one of these provisions is qualified by the expression "done for the purpose of driving the other party out of business," but the decree does not say so.

Mr. GOFF. That is a reasonable inference.

Mr. WALSH. The Senator would like to import something into the decree by construction.

Mr. GEORGE. Mr. President, may I suggest that if that were true, it would be necessary to try the case over de novo every time there was an alleged contempt. The purpose of the original trial was to settle that.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. REED of Pennsylvania. Is not the burden on the Government to show absence of reasonable cause of delay?

Mr. WALSH. Undoubtedly.

Mr. REED of Pennsylvania. And is it not found, as a matter of fact, on page 59 of the Department of Justice report that there was a reasonable cause?

Mr. WALSH. Yes. That is the Dunn report. Dunn tells us that there was reasonable cause for this delay. That is the situation. Digges tells us there was not.

Mr. REED of Pennsylvania. How are we, as a jury, to decide who is telling the truth?

Mr. WALSH. I suggest that we let the court decide it. That is what we are looking to.

Mr. MOSES. Would the adoption of the Senator's recommendation bring it to the court necessarily?

Mr. WALSH. I beg to say that the report, if that is what the Senator refers to—

Mr. MOSES. This report makes the recommendation that the Senate go on with a further investigation.

Mr. WALSH. Yes; but I have reached the conclusion that that is entirely unnecessary, because the evidence before us would be quite sufficient to justify the institution of the proceedings, and the Senator from Arkansas [Mr. ROBINSON] has prepared a substitute resolution which he will offer in lieu of the one which I said I would offer, which will take care of that situation.

Mr. MOSES. Then, may I ask the Senator with reference to the procedure here?

Mr. WALSH. Yes.

Mr. MOSES. I had supposed, and the senior Senator from Iowa also had supposed, that the Senator intended to take up and comment on the argument presented by the senior Senator from Iowa the other day. The Senator from Montana has not yet approached that. May I ask if he intends to do so before the conclusion of his argument?

Mr. WALSH. I certainly do.

Mr. MOSES. That being the case, the procedure here will be, first, to ask for the adoption of the report, in which the Senator asks that the Committee on the Judiciary be further instructed to go on with an investigation?

Mr. WALSH. Yes; but, of course, the resolution proposed will dispose of that.

Mr. MOSES. Not necessarily. If we adopt the report and instruct the Judiciary Committee—

Mr. WALSH. Very well. If that bothers the Senator, I will move to strike out that recommendation.

Mr. MOSES. I thank the Senator very much.

Mr. WALSH. Observe, Mr. President, the explanation that is made of these delays to which I have referred, scheduled in the report of the Federal Trade Commission. What is the ex-

planation made by the Aluminum Co. of America? I take it that this report of the Department of Justice before us is a report made by the Aluminum Co. of America; at least, it is simply a brief for the Aluminum Co. of America, in which brief the facts are given from that source, upon which I shall presently expatiate.

Mr. GOFF. Do I understand the Senator from Montana to say that the report of the Department of Justice in this case is a brief for the Aluminum Co. of America?

Mr. WALSH. That is what I say.

Mr. GOFF. Did I understand—

Mr. WALSH. That is what I say, and I am proceeding as fast as I can to convince any unbiased mind of the truth of it.

Mr. GOFF. The Senator will find my mind very biased.

Mr. WALSH. I dare say. At page 59 of the report of the Department of Justice will be found whatever the Aluminum Co. of America has to say in relation to these delays that were complained of. I read from near the top of the page, as follows:

It has been contended by the officials of the company that the Tables Nos. 18 to 21, inclusive, appearing at pages 101 to 103, inclusive, of the Federal Trade Report of October 6, 1924—

Those are the tables of which I have just been speaking—do not fairly reflect the situation, in that they were prepared on the basis of a calendar rather than a fiscal month.

An order received on the 1st, 15th, or 25th of May, for example, and shipped out within the month of May is recorded as shipped in the first month after receipt. An order received on the 31st of May, however, and shipped on the 5th or any other day in June is recorded as being shipped in the second month. It is obvious that a monthly recording on a calendar basis of the percentage of orders shipped is unfair and that the only fair record must be based on what may be termed fiscal months. If an order is received on May 5, for example, and is shipped before the 4th of June, it is shipped in the first month; i. e., within one month and not within two months.

What a handsome explanation that is. The Federal Trade Commission asked the Aluminum Co. of America to furnish them with a table showing the percentage of shipments made within the month and made within the succeeding month after the maturity of the orders, and they furnished that table. Now they say that table does not give the correct situation of affairs; that it ought to be reckoned upon some entirely different basis; that it ought to be reckoned upon some entirely different basis. But let me go on. I read from further down the page:

In examining the tables herewith it should be borne in mind that the material ordered by cooking-utensil manufacturers include tubing, rod, rivets, and other forms of metal, as well as sheet, the manufacture of which involves a very complex process. None of the finished material is carried in stock, but each order after receipt is put into the mill and rolled down from ingot form. It is often true in preparing a quantity of material, or several quantities of material, that larger or smaller portions of it may fail to pass the inspection department, in consequence of which another batch has to be rolled later. It is for reasons of this character that there are frequently (as shown by the tables) trivial amounts of an order or of a given set of orders which are not shipped within what might be described as the schedule period, namely, the first 30 or 60 days after receipt of the order.

Nobody is complaining about the delay after the receipt of the order. The complaint is made about the delay after the maturity of the order. A manufacturer who uses aluminum in his product makes a contract. He contracts to deliver a certain amount of his stuff at some day in the future, 60 days from now or 90 days from now. He puts in an order, which is received to-day, by which he asks for the delivery of aluminum 60 days hence, or 90 days hence, and he complains, not that the material is not shipped within 30 days or 60 days from the time he sent in the order, but that it is not shipped within 60 or 90 days after the order matured. Of course there is delay about the shipment of material after the orders are received. That is provided for in the orders. That is the explanation of the delays given here.

That is not all. The price discrimination charge is just as easily refuted. The explanation made of the price discrimination in the department's report can not stand for a single moment. It is contended, for instance, that the lowered price was given to the Aluminum Goods Manufacturing Co., a subsidiary of the Aluminum Co. of America, because it gave a large order, that it was the largest consumer of aluminum in the cooking utensil business; but then they proceeded immediately to sell to one Blickman at a lesser price also. He was not one of the large consumers of aluminum in the United States.

I shall not take the time to go into that particularly, but I invite attention to a few features now which serve likewise to characterize the report as the "brief" about which I spoke.

Take the subject of dividends at page 20 of the report. It will be interesting to Senators who are following my argument to turn to the report at that page. The Department of Justice tells us—

There have been no stock dividends since January, 1920.

What has the matter of stock dividends, or dividends at all, to do with this question? It does not make any difference upon the question of whether there have been infractions of the decree, whether they paid dividends of 24 per cent or 2,400 per cent. It is utterly irrelevant. It is introduced for the purpose of showing that the company makes only meager returns upon its investment, and the idea that it is getting rich out of the people of the United States is a figment.

The cash dividends paid on the stock of the company are given in the succeeding tabulation. Since, however, the company's capital stock has relatively been so much smaller than its investment, a column is also given showing the percentage of the dividend as respects the company's capital investment.

In 1920 the company paid dividends to the amount of \$2,341,200, or 12.5 per cent; in 1921, 7 per cent; in 1922, 6 per cent; in 1923, 10.5 per cent; and in 1924, 12.5 per cent.

It is a very meager, modest kind of income this company has; yes, it is, indeed. These, Mr. President, are annual dividends which have been distributed. But how much of its profits remain undistributed is the important question here. We have not any information for those particular years, but what are the facts about the matter?

The Aluminum Co. of America has a capital stock of \$20,000,000, eighteen-odd millions of which have been issued. That \$18,000,000 of capital represents a capital investment of not to exceed \$5,000,000, being in the shape of stock issued upon combination or reincorporation or something of the kind. But let us assume, for the purpose of the discussion, that the entire \$18,000,000 represents capital investment. Its property is valued in Moody's Manual at \$110,000,000. What does that mean? It means that during these years it has accumulated undivided profits to the extent of upward of \$100,000,000, as to which the department's report does not give us any information at all. Why is this matter introduced here, except for whitewashing purposes? I might say also that during that period they paid out aggregate dividends amounting to about \$15,000,000 on the \$18,000,000 of capital stock outstanding.

Perhaps the Senator from Pennsylvania can aid me. I have not a reference to that part of the report which tells the cost of producing aluminum.

Mr. REED of Pennsylvania. I think I can give it to the Senator in a moment.

Mr. WALSH. It is a table incorporated in the report of the Department of Justice showing that the cost of producing aluminum runs from 16 cents to 28 cents per pound. I think the table shows that in 1920 the cost of producing aluminum was 28 cents, and the general run is about 20 to 22 cents, as shown in the table. Bear in mind, this is what we are told by the Department of Justice. Where does the Department of Justice get its information about the matter? What source of information has it?

Mr. GOFF. The Senator will find the table on page 46. The index is wrong.

Mr. WALSH. I thank the Senator. The cost for the year 1920 was 23 cents a pound, for 1921 it was 28 cents per pound, for 1922 it was 22.75 cents per pound, for 1923 it was 18.25 cents per pound, for 1924 it was 16.75 cents per pound, and for 1925 it was 17.25 cents per pound.

What is this other than the mere statement of the Aluminum Co. of America about what its costs are? What other source of information did the Department of Justice have when it put out these figures? I am told that the War Department during the war caused an investigation to be made into the cost of producing aluminum with a view to fixing war prices for aluminum. We have not been informed that the Department of Justice consulted the records of the War Department for the purpose of advising us concerning the cost of producing aluminum. It has not a thing on earth to do, so far as I can see, with this inquiry. It is injected here merely for the purpose of showing that the Aluminum Co. of America is selling its aluminum at just a small margin above the cost of producing it.

Fortunately we have a little information upon the subject of cost. On Tuesday last I had inserted in the Record an article by Mr. Anderson, in the Mining Journal, upon the high price of aluminum. Mr. Anderson is a metallurgical engineer of the very highest standing. He is the author of the book which I hold in my hand, *The Metallurgy of Aluminum and Aluminum Alloys*, just off the press, a compendious presentation of the question of the metallurgy of aluminum from every point of

view, telling in a very much more detailed way the interesting story given us by the Senator from Pennsylvania the other day concerning the method of the production of this important metal. Mr. Anderson is a former metallurgical engineer, United States Bureau of Mines; lecturer on metallography, Carnegie Institute of Technology; research metallurgist, Bureau of Aircraft Production, and instructor in metallurgy in the Missouri School of Mines. I dare say he knows what he is talking about. In the article to which I have referred he was discussing the question of the cost of producing aluminum.

This article, I may say, appeared in the Mining Journal on January 30, 1926, and so of course was available to the Department of Justice had they had any desire to inform themselves upon the question of the cost of producing aluminum which they seemed to think was important to incorporate in their report. Mr. Anderson said in this article:

Turning to the matter of aluminum reduction costs, this can not be much in excess of 12 cents per pound under the worst conditions. The Aluminum Co. of America in its briefs filed in connection with the aluminum tariff and in public statements alleges that the labor item makes up 90 per cent of the production cost. This allegation is so absurdly ridiculous that if taken at its face value it would mean that the production cost of aluminum would be in excess of the present selling price to accommodate such a relation of the labor item to the total production cost.

Mr. REED of Pennsylvania. What is the date of the article?
Mr. WALSH. January 30, 1926:

The facts in the case are that the total labor cost is not over 10 per cent of the production cost starting with the mining of bauxite, and the labor cost in the production of aluminum from alumina is 5 to 6 per cent of the total cost.

Calculations for the production cost of aluminum have been made many times by those competent in the business. Thus Debar gives the cost for German practice as about 16 cents per pound, including interest and investment and amortization of plant. Clacker, of the British Aluminum Co. (Ltd.), has quoted the figure of 12 cents, Collet has given 8.6 cents for Norwegian practice, Nissen has given 12 cents for European practice in general, and Lodin has quoted 11 cents per pound. Calculations by the writer for American practice show 13+ cents, which is amply high.

On the cost of producing aluminum I prefer to take the statement of Mr. Anderson rather than the statement given us by the Department of Justice, if it were at all important in this inquiry.

Now, we come to stock control. The Senator from Pennsylvania [Mr. REED] has told us that Mr. A. W. Mellon owns 16 per cent of the stock of this company or thereabouts, and that his brother, R. B. Mellon, owns 16 per cent, giving those two gentlemen a one-third control of the company. I suppose as a matter of course the Senator from Pennsylvania must be speaking in this matter as the representative of the Aluminum Co. of America or of Mr. Mellon.

Mr. REED of Pennsylvania. Mr. President, can not a Senator address a question to some individual without being accused of being his representative on the floor of the Senate? I asked Mr. Mellon how much stock he had and whether he had any objection to my stating what the figure was. He answered the question. But I resent the charge that I appear here as his representative or the company's representative.

Mr. WALSH. I have not any apology to make for it. I wanted to enforce the point that we have no information upon the subject at all. Mr. Mellon chooses to make the Senator from Pennsylvania his private confidant concerning this matter, and we are not informed by any record before us on the subject at all.

Mr. REED of Pennsylvania. If the Senator will permit me further, it is just as competent for me to ask Mr. Mellon, as I did, and for me to ask Mr. Davis, the president of the company, as I did, to confirm what Mr. Mellon said, as it is for the Senator from Montana to quote anonymous, undated statistics given by his friend Mr. Anderson in a magazine published last January.

Mr. WALSH. I regret that I can not call Mr. Anderson a friend of mine.

Mr. REED of Pennsylvania. The idea that because I have asked that question I should be charged here with being the representative in the Senate of Mr. Mellon or the Aluminum Co. of America does no credit to the Senator who makes the charge. I am here representing the State of Pennsylvania and the Nation, of which it is a part, and I take no insults from the Senator from Montana about that.

Mr. WALSH. Of course, that is not quite parliamentary language for the Senator to use, but we will let it go.

The Senator from Pennsylvania is giving us information in connection with this report of the Department of Justice which

is not found in the report or in any document transmitted to us, and is only information as a matter of course gained from private sources. But let us see about this. The Senator complained the other day because I asserted that the Aluminum Co. of America controlled a Norwegian company in which it owned 50 per cent of the stock, and he advanced the idea that the control, as I understood him, at least, could not be charged to any company unless it owned 51 per cent of the stock; but the Supreme Court of the United States in United States against Union Pacific Railroad Co. did not take that view. That was an action brought by the United States to dissolve the combination of the Union Pacific and the Southern Pacific Railroad Cos., and in its opinion the court said:

The Southern Pacific Co.'s stock held by the Oregon Short Line Co. for the Union Pacific Co. amounts to \$126,650,000 par value in shares of \$100, which constitutes 46 per cent of the Southern Pacific Co.'s stock, enough, as we have heretofore found, to effectually control the Southern Pacific Co.

So that it is not necessary to have 51 per cent of the stock in order to control the company, and I entertain no doubt at all that the control of this company is in the hands of the gentlemen to whom I have referred.

However, let us see what the report says about it. If Senators will refer to page 79, they will see that the report tells us:

The control of the company appears—

"Appears," mind you—

The control of the company appears to rest in the Hall estate, of which Davis is one of the trustees and votes the stock.

Well, why does it "appear" to be in the Hall estate? What are the facts which make it "appear" that the control is in the Hall estate? How much stock does the Hall estate own, as we are told in this report? Bear in mind, Mr. President, that according to the public press and the record that is now being made by the Federal Trade Commission, that body, through its recognized attorney, demanded an opportunity to have a list of the stockholders with their holdings, and the Aluminum Co. of America refused to give it. Are we to understand that, having refused to give a list of the stockholders with their holdings to the representatives of the Federal Trade Commission, they were quite willing to give a list or to allow the representatives of the Department of Justice to see their stock books?

Mr. REED of Pennsylvania. The report says so.

Mr. WALSH. Says what?

Mr. REED of Pennsylvania. That the records show that the stockholding of A. W. Mellon did not constitute a control.

Mr. WALSH. The report states:

An examination of the stock records of the company discloses that the stock holdings of A. W. Mellon do not constitute a control. Moreover, that the combined holdings of A. W. Mellon and his brother, R. B. Mellon, are far from sufficient to constitute a control of the company.

Why do they not give us the figures?

Mr. REED of Pennsylvania. They did not do so, probably, because they thought it was none of our business.

Mr. WALSH. Of course, it is part of our business to take their conclusion that their holdings do not control, but they are quite unwilling to give us the figures they have in their possession.

Mr. REED of Pennsylvania. The figures have been given for the Secretary of the Treasury, who is the real defendant in this case, according to the Senator from Montana. It is none of our business what the other individuals own. There are some things that are still entitled to privacy in the United States in spite of recent tendencies.

Mr. WALSH. I do not object at all to the Department of Justice telling us that they did not have access to the books, and so could not tell us anything about it, or else saying, "We did have access to the books, and these are the facts." We are expected to take their conclusion about these matters. But suppose, Mr. President, that is the case; suppose an examination of the books does not disclose a holding of more than 16 per cent by Mr. Mellon and 16 per cent more by his brother, what does that signify? Everybody knows that in many corporations—and I dare say every man here has had experience in such matters—stock often stands on the books of a company in the name of one man when the real ownership is in some one else. So all he has got to do is to take an indorsement of it, and, as he controls the corporation, he does not need to make any transfer on the books of the company.

Mr. MOSES. Is the Senator adding that charge also against the Secretary of the Treasury?

Mr. WALSH. No; I am not charging anything against him. I am saying examination of the books of the company does not necessarily disclose the state of the ownership of the stock.

Mr. MOSES. The Senator makes a pretty plain insinuation. Mr. WALSH. Does the Senator dispute it?

Mr. MOSES. The Senator has no knowledge at all, except that the report says an examination of the records shows so-and-so.

Mr. WALSH. Yes; that is what I am talking about; they do not give us the figures.

Mr. MOSES. The Senator goes on to insinuate that there is a falsification of the record, and that the Secretary of the Treasury has really many more shares than it is shown that he has.

Mr. WALSH. The Senator knows perfectly well there is no falsification about it. The record stands so-and-so, and presumably the stock is issued to the person in whose name it appears to stand on the books of the company; but that person may easily indorse that stock over to anybody else.

Mr. MOSES. That is why I asked if the Senator was also making that insinuation against the Secretary of the Treasury.

Mr. WALSH. No; I am saying that the fact that the records of the company show that does not mean anything.

Mr. REED of Missouri. Mr. President—

Mr. WALSH. I yield to the Senator.

Mr. REED of Missouri. Suppose there is only 33 per cent ownership in one family; is it not a well-known fact that in the case of large companies where the stock is pretty generally distributed 33 per cent en bloc generally amounts to control? Nobody will dispute that as to most companies.

Mr. WALSH. I called attention the other day to the fact that in the Sugar Trust case, as was revealed in the Warren hearing, the Sugar Trust was obliged to reduce from 42 to 33 per cent its holdings in the Michigan Sugar Co., the court holding that anything more than 33½ per cent would be a control of the company.

Mr. REED of Pennsylvania. Evidently implying that 33 per cent was a safe amount to have.

Mr. WALSH. Yes; you can not possibly go above that; but, of course, that does not mean the limit at all. Twenty-five per cent in the case of most corporations gives control to the persons who hold that much in one block. Even in a political convention a man who goes in with a block of one-third of the entire convention controls that convention. Perhaps the Senator from New Hampshire can confirm that statement.

Mr. REED of Pennsylvania. That was not the case at Madison Square Garden.

Mr. MOSES. No; I once went into a convention in that posture and did not control.

Mr. REED of Missouri. Since the question has been raised that the registry of the books as to the stock ownership is not necessarily conclusive, and in connection with that Mr. Warren's name was mentioned, it occurs to me that is a very fine illustration. Mr. Warren held a large amount of stock; it happened, however, to belong to the Sugar Trust; and when we were discussing that question here there was a great deal of virtuous and indignant protestation from the other side of the Chamber that we were reflecting unjustly on Mr. Warren; but the fact was there, and it is a good illustration of what may be the fact here.

Mr. REED of Pennsylvania. Mr. President, are we to find a verdict of guilty in this trial that is now being had on the theory that perhaps the imagination of a Senator is justified by the facts? Is not that what it comes to?

Mr. REED of Missouri. No.

Mr. REED of Pennsylvania. There is not a scintilla of evidence that the facts are as they seem to be imagined.

Mr. REED of Missouri. If the Senator will pardon me, we have a right, however, in investigating the facts to get the facts before we make up our minds; and when a report merely says that the books of the company disclose a certain condition as to stock ownership, we all have sense enough to know that without any fraud, without any wickedness, or without any connivance, the books of the company may not show the correct stock ownership. Therefore all the Senator from Montana is arguing for is true, namely, that we have a right to know the facts.

Mr. REED of Pennsylvania. This is going to be a busy Senate, then, if it is going to run down every possibility of corporate affiliation.

Mr. REED of Missouri. I think if we followed Mr. Mellon into all of his lairs and all of his paths, we would be very busy, and I think that would be a job to undertake.

Mr. MOSES. Mr. President, I took occasion in the debate that occurred in the Senate some weeks ago to point out to the Senator from Montana that it was enough from my point of view to say that a certain thing might happen, and the

Senator indignantly excoriated me for taking that position. I want to congratulate him now for shifting his ground.

Mr. WALSH. Mr. President, before I leave this particular subject I want to correct an impression that the Senator from Pennsylvania seems to have, or at least seems to desire to inculcate, that we are conducting a trial here. Of course he is a keen enough lawyer to know that we are not; but in the galleries a different view might be taken about the matter. In view of the statement made by the Senator let me say that we are not conducting any trial at all of Mr. Mellon or anybody else.

We are insisting, Mr. President, that the facts disclosed here are sufficiently grave to demand a trial of Mr. Mellon, if you wish to put it in that way, a trial of the Aluminum Co. and its responsible officers in court, as to whether it has or has not violated the decree of the Federal court. We find that the Department of Justice will not do so. We are considering the question whether the facts warrant us in providing that the work shall be done by some other officers than the branch of the Government under the Department of Justice.

Mr. MOSES. Mr. President, having followed the Senator with a good deal of attention thus far, I have reached two conclusions as to what are the contentions he sets up: First of all, that the Department of Justice is not conducted in the manner in which it will be conducted in that far-distant day when the Senator from Montana shall become Attorney General of the United States.

Mr. WALSH. I thank the Senator.

Mr. MOSES. And, second, that the ingot and rivet and screw mills of the Aluminum Co. of America are not managed as the Senator from Montana would manage them. Behind all that, however, and in view of what the Senator has himself said to-day and on other occasions, I think that neither the galleries nor anyone else can remain in ignorance that the target set up here is the Secretary of the Treasury; but behind him, Mr. President, the real target, as I believe, at which the Senator and his associates are aiming is the administration and the President of the United States. The Senator tried this method once before in 1924, and he knows how the country reacted to it.

Mr. WALSH. Mr. President, that speech ought to keep in line some of the "regulars" on the other side of the aisle.

Mr. CUMMINS. Mr. President—

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Iowa?

Mr. WALSH. I yield to the Senator from Iowa.

Mr. CUMMINS. We have reached a point now in which I am somewhat interested. [Laughter.] I do not know whether the Senator from Montana is right or the Attorney General is right. They differ in opinion with respect to this matter. They are both good lawyers, I take it, and I think they are both honest men; but we have before us a motion to adopt a report that instructs the Judiciary Committee to determine whether the Attorney General is right or whether the Senator from Montana is right. I do not quite understand the resolution that I am informed was read a few moments ago. Is that intended to be substituted for the report of the Judiciary Committee?

Mr. WALSH. No; it is not. It is to follow upon the adoption of the report.

Mr. CUMMINS. Is there any proposal to amend the report?

Mr. WALSH. If there is any sticking in the bark because the recommendation of the report does not conform to the action which it is proposed that the Senate shall take, I am going to ask leave to strike out the recommendation.

Mr. CUMMINS. Then, the Senator proposes to leave the report simply condemning the Department of Justice, without any recommendation with respect to what should be done?

Mr. WALSH. That would be the practical result; yes.

Mr. CUMMINS. I simply wanted to understand the situation.

Mr. WALSH. Now, Mr. President, I address myself to the constitutional aspects of this matter presented by the Senator from Iowa [Mr. CUMMINS], and later by the Senator from West Virginia [Mr. Goff].

I yield to no man, Mr. President, in my reverence for the Constitution of the United States. I subscribe unreservedly to the view that it is the greatest work ever produced at one time by the brain and purpose of man. I indorse unequivocally the eloquent encomium of it by Chancellor Kent, who said that it is the sheet anchor of our liberties at home and the bulwark that we have against oppression from abroad. I can not admit that the attachment of the Senator from Iowa to the Constitution is any more ardent than my own; nor that the fidelity of anyone to the charter of our liberties and the framework of our Government is to be judged by

whether he justifies or condemns particular action of the Congress of the United States, or either branch of it.

It is a peculiar manifestation of vanity in not a few of those who from time to time oppose legislation on constitutional grounds to assume that they are more devoted upholders of the Constitution than their antagonists. It was exhibited in a ridiculous degree in the generation that precedes ours by Senators who were popularly believed to represent if they were not the creatures of the great vested interests, and who interposed the Constitution against practically every reform demanded by public sentiment of their day to arrest or restrain corporate domination and greed, bringing that great work into disrepute to a degree beyond anything it had ever before suffered. I gladly bear witness to the fact that the Senator from Iowa [Mr. CUMMINS] was a protagonist for most of the relief measures that were thus assailed. I wish I had a clearer conception of the objection which is made to this proceeding upon constitutional grounds.

What is it that it is proposed to do?

The Senator from Iowa very correctly stated that it was contemplated by the report of the majority that a further examination should be made by the Committee on the Judiciary, and that they should report to the Senate whether in their judgment a violation of this decree had actually taken place, or, at least, whether there was sufficient evidence to lead to that conclusion *prima facie* and thus warrant the institution of proceedings for infraction of the decree; and that the Senate having found, if they adopt the report, that the Department of Justice was not proceeding diligently and in good faith to ascertain whether or not a violation had occurred, we should do as we did in the Teapot Dome case, pass a joint resolution authorizing the President to appoint some one else to institute the proceedings; in other words, Mr. President, that everything that we have done looks forward to the possibility or the probability of legislation of the character I have indicated.

However, Mr. President, the view has been expressed to me by many Senators upon both sides of the Chamber who are sympathetic with these proceedings that the evidence already before us is such as to justify the institution of proceedings without any further delay; and that is the view entertained by the Senator from Arkansas [Mr. ROBINSON], who proposes to present a joint resolution looking to that end. Since I have had an opportunity to go over this matter again, Mr. President, and particularly since I have had an opportunity to consider the real effect of these restrictive conditions in the contracts between the Aluminum Co. of America and the Budd Co. and the Fisher Co., I myself am satisfied that a further investigation by the Judiciary Committee is entirely unnecessary, and that we would be wholly warranted in immediately passing a joint resolution for the appointment of special counsel.

In that situation of affairs, Mr. President, what is the objection upon constitutional grounds? It can be nothing more nor less than a repetition of the objection made in the Teapot Dome case against the proceedings there, offered by Mr. Sinclair through his attorney, Martin W. Littleton. He insisted, bear in mind, not at all that the Congress of the United States could not pass a joint resolution of that character.

That was not his contention. He did not contend that the Senate of the United States was not empowered under the Constitution to conduct an investigation. All he contended for was that if it did enter upon such an investigation outside of what might be regarded as its judicial or quasi-judicial duties, it could not compel the attendance of a witness, or, if the witness appeared, it could not compel him to testify; in other words, that the Senate could not punish for contempt the contumacy of a witness called before an investigating committee. But now we go beyond that. This is no question of contempt at all. This is a question simply of the power of the Senate to conduct an investigation into whether or not an officer of the Government or a department of the Government has faithfully discharged its duties, and, if it finds that it has not, whether it has the power to pass legislation to correct the evil.

But, Mr. President, the Senator from Iowa seems to have changed his mind about this matter. Apparently, when the Teapot Dome resolution was before him, he had no misgivings about the power of the Senate in the premises.

It will be recalled that in that connection I offered a resolution as a substitute for the resolution of the Senator from Arkansas [Mr. CARAWAY] which provided:

That the President of the United States be, and he hereby is, authorized and directed immediately to cause suit to be instituted and prosecuted for the annulment and cancellation of the said leases and contract and all contracts incidental or supplemental thereto, to enjoin further extraction of oil from the said reserves under said leases or

from the territory covered by the same, to secure any further appropriate incidental relief, and to prosecute such other actions or proceedings, civil and criminal, as may be warranted by the facts in relation to the making of the said leases and contract.

And the President is further authorized and directed to appoint, by and with the advice and consent of the Senate, special counsel who shall have charge and control of the prosecution of such litigation, anything in the statutes touching the powers of the Attorney General of the Department of Justice to the contrary notwithstanding.

Mr. MOSES. Mr. President, that is the resolution finally adopted, is it not?

Mr. WALSH. That is the resolution finally adopted. Upon that a vote was taken, and I find that there were 89 yeas, including the Senator from Iowa [Mr. CUMMINS], and no nays—a rather significant indication of the views of the Senate with reference to its power in the premises. Later on a joint resolution came to us from the House providing for the appointment of special counsel, and appropriating \$100,000 for the purpose of carrying out the provisions of this resolution; and I find by the RECORD that it was passed in this body without a record vote and without a dissenting vote.

If this means anything, it means that the House of Representatives as well as the Senate entertained no doubt whatever concerning the propriety of the proceedings. But if the contention is correct, Mr. President, that all of these proceedings were without any constitutional warrant at all, what follows? It follows as a matter of course that former Senator Pomerene and Mr. Roberts are without any authority at all in the premises, and necessarily that their presence before the grand jury in securing the indictments now pending was an intrusion upon their part and vitiated those indictments. It is true, Mr. President, that the clever, the able, the adroit counsel for Mr. Doheny and Mr. Sinclair never thought of this idea at all; but now it is discovered that everything we did in that matter was without warrant under the Constitution.

Mr. MOSES. Mr. President, may I bring the Senator back to the earlier phase of the discussion? Did I understand the Senator to say that as the result of his reflection upon this question he had concluded that the investigation by the Committee on the Judiciary was unnecessary, or was unconstitutional?

Mr. WALSH. That it was unnecessary.

Mr. MOSES. The Senator still maintains that it would be constitutional?

Mr. WALSH. I have not the slightest doubt about it, for reasons to which I shall now advert.

Mr. CUMMINS. Mr. President, will the Senator yield for a moment?

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Iowa?

Mr. WALSH. Yes.

Mr. CUMMINS. I have no hesitation in changing my mind when I think that I ought to change it. You will remember that Emerson said that "Consistency is the hobgoblin of small men and mean minds"; and therefore I should suffer no humiliation if I should admit a change in my opinion. I do not, however, recognize any conflict between the vote I cast in 1924 and the position I now occupy. I endeavored to point out the entire consistency of the two when I addressed the Senate the other day.

There is no doubt about the validity of the employment or the authority of the special counsel appointed by the President in that case. The President was the only man who could raise the question of our constitutional right to direct him to employ special counsel.

When he did appoint special counsel, and when the Senate did advise and consent to that appointment, the constitutional question had passed into absolute oblivion. It was not possible for anybody at any time to raise the question, and, as I pointed out yesterday, the difference between this case and that—although if the recommendation made in the majority report is withdrawn, the point I am now making will not arise—is that it was specifically recited in the resolutions of 1924, at least in two of them, that the investigations were being conducted for the purpose of aiding legislation, and while people have different views with regard to this question, I have admitted time and again that the Senate has the power to carry on an investigation in aid of legislation. I think it has the power to punish a contumacious witness for refusal to appear, or refusal to answer, without any recourse to the courts at all. I tried to make that perfectly clear. But this report upon which I supposed we were to vote proposed an inquiry into violation or nonviolation of the decree of the court, purely a judicial proceeding, and I thought, and I submitted it with all

deference to the better opinion of my associates, that the Senate had no authority to conduct an investigation.

When the question arises, as it will arise, upon the joint resolution proposed to be introduced by the Senator from Arkansas, I will take the opportunity and the liberty of giving my views with regard to both the wisdom and the constitutionality of that legislation; but I hope that the Senator from Montana will recognize that from my standpoint at least there is a difference between the report of the Judiciary Committee in this case, and the questions arising upon the resolutions offered in the Teapot Dome case.

Mr. WALSH. Mr. President, I still find myself altogether muddled about the position taken by the Senator from Iowa. But if I gather accurately the views he entertains, they may be expressed in this way: The action which we took in the Teapot Dome case in passing a resolution providing for the employment of special counsel to prosecute that litigation was unconstitutional, and the President would have been entirely justified in treating it so—

Mr. CUMMINS. No, Mr. President—

Mr. WALSH. And in declining to act in accordance with it, and nominating and sending to the Senate the nominations for the positions provided for.

Mr. CUMMINS. The Senator did not understand me to say that?

Mr. WALSH. Yes; I did.

Mr. CUMMINS. What I said—not to-day, of course, but on a former occasion—was that in my judgment the command, the direction, to the President to appoint special counsel, was not warranted by the Constitution.

Mr. WALSH. The Senator will bear in mind that the resolution said "authorized and directed."

Mr. CUMMINS. "Authorized and directed" is the same thing as "authorized and commanded."

Mr. WALSH. Yes; I am not referring to any distinction between "directed" and "commanded."

Mr. CUMMINS. When the President did appoint, of course his appointment was valid. No one could question the validity of the appointment.

Mr. REED of Missouri. Under an unconstitutional law?

Mr. CUMMINS. Certainly.

Mr. REED of Missouri. That is, an unconstitutional law can create authority for an unconstitutional act?

Mr. CUMMINS. The President had a right to waive it if he wanted to.

Mr. REED of Missouri. His sole right to appoint was under that act.

Mr. CUMMINS. I differ with the Senator.

Mr. ROBINSON of Arkansas. Mr. President, if the Senator will permit me, the point is that in the Teapot Dome resolution the President was directed to make the appointments, and the Senator voted for that resolution. In this resolution we only propose to authorize him to do so.

Mr. CUMMINS. Certainly. In the resolution I have just read the point does not arise at all.

Mr. ROBINSON of Arkansas. Has the Senator now any doubt as to the right of the Congress to pass the resolution which I have submitted to the Senator and which is proposed to be introduced?

Mr. CUMMINS. I will defer my answer to that question until it has been considered by the Judiciary Committee, of which my friend from Missouri [Mr. REED] and my friend from Montana [Mr. WALSH] are both distinguished members. We will discuss that question when that resolution is under consideration by the Judiciary Committee.

I am only insisting that there is a vast difference between investigating the oil lands of the United States, the leases that have been made to dispose of them, and the best manner of conserving that natural resource and the legislation that might follow, and investigating the question of whether the Aluminum Co. of America has committed a crime in violation of the decree of 1912.

Mr. WALSH. I hope the Senator will make that perfectly clear. We conducted the Teapot Dome investigation under the belief that a crime had been committed; and indictments have now been found for bribery and conspiracy to defraud the United States. There was a purpose, no doubt, to enact whatever additional legislation might be necessary to conserve this property, but that was an additional thing. What we were after was to expose the corrupt practices of those involved and bring them to justice before the criminal courts.

Mr. CUMMINS. Precisely.

Mr. WALSH. How does the Senator find any difference between a crime springing out of the despoilment of the public in its resources and such a crime as this charged here, or, rather, within the category of crimes?

Mr. CUMMINS. I will put another case to the Senator to illustrate my view of it.

Suppose the Senator from Montana were to charge that a violation of the liquor law, the Volstead Act, with which my friend from Missouri is so much in love, had been committed; suppose he should charge that the district attorney for the western district of Missouri had indicted a man for a violation of that law without cause, and he would ask for a committee of the Senate to investigate the alleged crime and ascertain whether the man had committed the crime or had not. That is a case exactly parallel with the one we have now before us in this report.

Let me put it in another way. Suppose the district attorney had not indicted a man for robbing the mail who the Senator from Missouri believed ought to be indicted. Suppose the Senator from Missouri had looked into the case and satisfied himself that the man was a criminal and ought to be indicted, but the district attorney in his State did not seek to indict him. The Senator from Missouri comes to his place in the Senate and introduces a resolution directing the Judiciary Committee to inquire whether that crime was committed or not and to prosecute an inquiry into the good faith of the district attorney in the prosecution of the crime. If he satisfies the Judiciary Committee and afterwards the Senate, then he introduces a joint resolution that Tom Jones be appointed a special prosecutor—

Mr. WALSH. Oh, no, no; just a moment.

Mr. CUMMINS. To present to the grand jury in the western district of Missouri the facts in the case for the purpose of getting an indictment.

Mr. WALSH. Mr. President—

Mr. CUMMINS. I will correct that.

Mr. WALSH. The Senator would not undertake to say that.

Mr. CUMMINS. I did not state it correctly, but I will do so. Let us suppose that we authorize or direct the President to appoint a new district attorney, or an additional district attorney, for the western district of Missouri to prosecute the crime. Then we have a case exactly parallel.

Mr. WALSH. Yes, Mr. President; in regard to the power to act. I have not the slightest doubt in the world that we would have the power to provide for the employment of two district attorneys for the western district of Missouri. There is no doubt in the world about that, and I do not think the Senator can doubt it.

Mr. CUMMINS. I have no doubt about it.

Mr. WALSH. That is just exactly what we could do. Of course, we would not do anything of the kind, because we are not children.

Mr. CUMMINS. I know—

Mr. WALSH. We are supposed to act with some degree of ordinary common sense, and this appeal is made, not against a violation of the prohibition act out in the western district of Missouri. We appealed to this power of the Congress in the Teapot Dome case because it was aimed at an ex-member of the Cabinet. We appeal to it in this case because the offense, if there is an offense, is against a member of the Cabinet, and I undertake to say it is beyond the ordinary expectation of human nature that an Attorney General will prosecute diligently and in good faith a case against a fellow member of the Cabinet. I assert that we should never hesitate whenever an occasion of that kind arises to provide for the appointment of a special attorney to prosecute.

Mr. CUMMINS. Mr. President, I know we are not children. Sometimes I wish we were. I know that the Senator from Montana would not pursue the course I have suggested and I am sure the Senator from Missouri would not. But, when we begin this course, those who come after us will do the very things that I have pointed out. Just take as an illustration the Teapot Dome case. It is pending, I understand, in the circuit court of appeals. The Government was defeated in that case and it has taken an appeal to the circuit court of appeals. Suppose the circuit court of appeals affirms the decree of the court below. Then, under the view taken by the Senator from Montana, the Senate could institute an inquiry into the soundness of the decision of the circuit court of appeals, and if it believed that its opinion was unsound it could authorize the President to appoint another circuit court of appeals. The Senator from Missouri shakes his head. Certainly it could. There is no doubt about that.

Mr. WALSH. Not in the slightest. We can create 20 courts of appeals if we want to.

Mr. CUMMINS. We can establish just as many circuit courts of appeals as we want to.

Mr. REED of Missouri. But they can not try that case again.

Mr. CUMMINS. Undoubtedly it could try the case again in just this way—

Mr. REED of Missouri. No—

Mr. CUMMINS. The Senator will take that back in just a moment, when I make my suggestion to him. It is a very unlikely case, I know very well, but when passion would run high at some day in the future we might do those things just the same. We could have another circuit court of appeals appointed with authority to entertain, as this circuit court of appeals could, a petition for rehearing, and then the former decree of the court could be reviewed. Now, let us not enter upon any such course as that.

Mr. WALSH. I hope not.

Mr. CUMMINS. Of course, we are not entering upon it.

Mr. WALSH. And I have not the slightest fear that we shall.

Mr. CUMMINS. But, after all, the constitutional question is just the same.

Mr. WALSH. Of course, I do not understand that the Senator even questions the constitutional power. If we become dissatisfied with the decision of any circuit court of appeals we can create another circuit court of appeals, and we can create another circuit court of appeals for any reason that seems sufficient to us.

Mr. CUMMINS. I think so.

Mr. WALSH. So that the Senator is not discussing any constitutional question at all. He is simply now considering a question of policy and speaks of a possibility that is simply beyond expectation.

Mr. CUMMINS. There is a constitutional question that will arise in connection with the resolution that will be proposed by the Senator from Arkansas. I express no opinion upon it, nor have I done so up to this time, but one can easily see the controversy that may arise. The question will be, Has the Senate the power to assign the officer who is authorized to be appointed by the President to the duty of prosecuting this particular case or submitting to the court in the western district of Pennsylvania the question whether the decree has been violated or not? I am not expressing any opinion upon that point, but one can easily see that the question will arise.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Montana yield to me?

Mr. WALSH. Certainly.

Mr. ROBINSON of Arkansas. The Senator from Iowa has asked the question whether the Senate has that power. No one contends that the Senate has that power, but the legislative power, which consists of the Congress, can deprive the Attorney General of all his functions. It can abolish the office of Attorney General and create other agencies to perform those functions. It can do that whole thing, or it can do the lesser thing and by law deprive any executive officer created by law of either the whole or a part of his functions.

Mr. CUMMINS. I suppose the Senator would say by parity of reasoning that Congress could appoint a judge or could authorize the President to appoint a judge for the trial of a particular case. I do not believe that it can be done.

Mr. REED of Pennsylvania. Mr. President, will the Senator permit a question?

Mr. WALSH. I yield to the Senator.

Mr. REED of Pennsylvania. I am concerned to know what it is that the Senate is working on at this time. - On looking over the majority report I find that it contains two recommendations. The last one is that the Federal Trade Commission be directed to forward certain evidence to the Committee on the Judiciary. That has already been ordered by the Senate in the passage of its resolution several days ago. The only other recommendation in the majority report is that there be an inquiry by the Judiciary Committee to see whether or not a violation of the decree has occurred. The Senator from Montana, who presented the report, has said that he is not going to urge the adoption of that recommendation. We have changed from the question raised by the motion to adopt the report to the question that will be presented if the Senator from Arkansas presents his proposed resolution; but it seems to me—and I would like the Senator from Montana to enlighten us about it—that as the matter now stands the Senate has no business before it.

Mr. WALSH. Oh, yes; it has.

Mr. MOSES. Oh, yes.

Mr. REED of Pennsylvania. Technically, yes, the motion to adopt the report is before the Senate; but the two recommendations of the report having been dealt with, one by the passage of a resolution several days ago and the other by the Senator's avowed intention to abandon it, I wondered what was before the Senate.

Mr. WALSH. That does not affect the situation in the slightest degree.

Mr. REED of Pennsylvania. The parliamentary situation is clear.

Mr. WALSH. It is perfectly clear and there is no doubt about it. The fact is that the action taken and the action contemplated render quite nugatory, if I may use the term, or at least obsolete the last paragraph of the report. That is all there is to it.

Mr. REED of Pennsylvania. The Senator then expects to ask the Senate to adopt all of the report except the last paragraph?

Mr. WALSH. Yes; except the last paragraph.

Mr. REED of Pennsylvania. Of course the Senator would have to do that by motion, I presume.

Mr. WALSH. I suppose we can amend the report before acting upon it.

Mr. MOSES. The committee could do so.

Mr. CUMMINS. The Senator asks the Senate to affirm every recital made in the majority report.

Mr. REED of Pennsylvania. As I understand it, the Senator is proposing himself, without a vote of the committee and without recommitment of the report, to amend the committee's report. I am curious to know if he can do that.

Mr. WALSH. If I understand the position of the Senator, a report coming to the Senate must be adopted verbatim; that we can not cross a "t" or dot an "i"; that it must be adopted verbatim or it must be rejected.

Mr. REED of Pennsylvania. Certainly. The Senator himself can not amend the report.

Mr. REED of Missouri. Does the Senator doubt that the first paragraph of the report can be accepted and the rest of it rejected or that all of the report except the last paragraph can be accepted?

Mr. ROBINSON of Arkansas. He can move in the Senate to amend the report by striking out the last paragraph and taking a vote on it.

Mr. MOSES. There is no question about that.

Mr. ROBINSON of Arkansas. We will take care of that when we reach it. Do not worry about that.

Mr. WALSH. This is just quibbling. It is easy enough to amend the motion by making a motion that the report save the last paragraph shall be adopted. There is no trouble about such things.

Mr. President, I was diverted from the course of my argument. I have referred to the arguments made by the Senator from Iowa [Mr. CUMMINS]. I now want to say that we listened on yesterday to an elaborate exposition by the Senator from West Virginia [Mr. GORE] of the view that the Senate is without the power to punish for contempt a witness who refuses to appear before a committee investigating any matter, or who, appearing, refuses to testify. All of the authorities to which he referred were cited to us and all of the arguments that he advanced were made by Mr. Littleton before the Committee on Public Lands and Surveys and have been repeated in the Supreme Court of the United States in the case of John J. McGrain against Mally S. Daugherty, the so-called Mal Daugherty case.

I am not going to spend any considerable time upon that matter. I am simply going to call attention to the argument of the Attorney General of the United States, Harlan F. Stone, now an Associate Justice of the Supreme Court of the United States, combatting that view. I will allow the Attorney General of the United States to make the argument for me against the contention made by the Senator from West Virginia on yesterday.

Considerable has been said, chiefly, I may say, by the Senator from Iowa [Mr. CUMMINS] concerning the want of power in the Senate of the United States to inquire into this matter because it is an inquiry concerning the commission of a crime or the violation of a decree resulting in a contempt that is analogous to a crime. Whatever view with respect to that matter may be taken by the Supreme Court of the United States, it is a settled matter in this body that the Senate of the United States not only has the power to conduct the investigation but that it has the power to punish for contempt, or at least to enforce the testimony of witnesses by proceedings analogous to contempt. It so ruled in a most historic inquiry. I read about it from the brief of Attorney General Stone in the case to which I have referred. This was the celebrated John Brown raid, which came under consideration by the Senate of the United States in the year 1859. I read:

In December, 1859, the Senate, by resolution, appointed a committee to inquire into the facts concerning the invasion and seizure of the armory and arsenal at Harper's Ferry by a band of armed men and report whether the same was attended by armed resistance to the authorities and public forces of the United States, and the

murder of any citizens of Virginia or any troops sent there to protect public property; whether such invasion was made under color of any organization intended to subvert the government of any of the States of the Union, the character and extent of such organization; whether any citizens of the United States not present were implicated therein or accessory thereto by contributions of money, arms, ammunition, or otherwise; the character and extent of the military equipments in the hands or under the control of said armed band; where, how, and when the same were obtained and transported to the place invaded; also to report what legislation, if any, was necessary by the Government for the further preservation of the peace of the country and the protection of public property; the committee to have power to send for persons and papers.

In February, 1860, the committee reported that Thaddeus Hyatt, of the city of New York, was on January 24 duly summoned to appear before the committee and had failed and refused to do so. Thereupon, a resolution was adopted directing the Sergeant at Arms to take into his custody the body of the said Thaddeus Hyatt and to have the same forthwith before the bar of the Senate to answer as for a contempt of its authority.

Pursuant to this resolution, Hyatt was brought before the bar, and a resolution was adopted, after a long debate, by a vote of 44 ayes and 10 noes, directing him to be committed by the Sergeant at Arms to the common jail of the District of Columbia, to be kept in close custody until he should signify his willingness to answer the questions propounded to him by the Senate.

In the course of the debate preceding the adoption of this preamble and resolution Mr. Charles Sumner, of Massachusetts, argued that the Senate had no power to compel testimony required for legislative purposes only, using the language quoted by Judge Cochran in his opinion in the District court (Rec., pp. 32-33).

That is Judge Cochran who was the judge who heard the *Mal Daugherty* case in the lower court and who quoted in his opinion from the argument of Charles Sumner.

On the other hand, Senator Fessenden, of Maine, strongly supported the existence of power in Congress to compel the attendance and testimony and production of books and papers bearing upon any question proper for consideration by such House, to aid it in the discharge of its legislative functions. Answering the argument that the power to compel the attendance and testimony of private citizens in aid of legislation was nowhere conferred upon the Congress by the Constitution, and that, unlike the English Parliament, Congress was one of limited powers, controlled by a written Constitution, and that all powers not granted to it were reserved to the States respectively or to the people, Mr. Fessenden said (Congressional Globe, 1st sess., 36th Cong., p. 1102):

"The great purpose is legislation. There are some other things, but I speak of legislation as the principal purpose. Now, what do we propose to do here? We propose to legislate upon a given state of facts, perhaps, or under a given necessity. Well, sir, proposing to legislate, we want information. We have it not ourselves. It is not to be presumed that we know everything; and if anybody does presume it, it is a very great mistake, as we know by experience. We want information on certain subjects. How are we to get it? The Senator says ask for it. I am ready to ask for it; but suppose the person whom we ask will not give it to us; what then? Have we not power to compel him to come before us? Is this power, which has been exercised by parliament, and by all legislative bodies down to the present day without dispute—the power to inquire into subjects upon which they are disposed to legislate—lost to us? Are we not in the possession of it? Are we deprived of it simply because we hold our power here under a Constitution which defines what our duties are, and what we are called upon to do?"

"Congress have appointed committees after committees, time after time, to make inquiries on subjects of legislation. Had we not power to do it? Nobody questioned our authority to do it. We have given them authority to send for persons and papers during the recess. Nobody questioned our authority. We appoint committees during the session, with power to send for persons and papers. Have we not that authority, if necessary to legislation?"

So far Mr. Fessenden, of the State of Maine:

Mr. Crittenden, of Missouri, also argued in favor of the existence of the power in each House, saying (p. 1105):

"I come now to a question where the cooperation of the two branches is not necessary. There are some things that the Senate may do. How? According to a mode of its own. Are we to ask the other branch of the legislature to concede by law to us the power of making such an inquiry as we are now making? Has not each branch the right to make what inquiries and investigation it thinks proper to make for its own action? Undoubtedly. You say we must have a law for it. Can we have a law? Is it not, from the very nature of the case, incidental to you as a Senate, if you, as a Senate, have the power of instituting an inquiry and of proceeding with that inquiry? I have endeavored to show that we have that power. We have a right, in consequence of it, a necessary incidental power, to summon witnesses,

if witnesses are necessary. Do we require the concurrence of the other House to that? It is a power of our own. If you have a right to do the thing of your own motion, you must have all powers that are necessary to do it.

"The means of carrying into effect by law all the granted powers is given where legislation is applicable and necessary, but there are subordinate matters, not amounting to laws; there are inquiries of the one House or the other House, which each House has a right to conduct; which each has, from the beginning, exercised the power to conduct; and each has, from the beginning, summoned witnesses. This has been the practice of the Government from the beginning, and if we have a right to summon the witness all the rest follows as a matter of course.

Then, Mr. President, the vote was taken, and, as is shown, it stood 49 to 10. It was not a partisan vote at all; the Republicans voted with Democrats in favor of the conclusions expressed by those two learned Senators, and party feeling at the time, as Senators know, ran very high. What application did Attorney General Stone make of this? Thus he argued—I am reading from page 70 of his brief:

The Department of Justice is one of the great executive branches of the Government. It is created by statute (Revised Statutes, Title VIII). The duties of the Attorney General and his assistants are in great measure defined by law. Annually Congress, with the concurrence of both Houses, appropriates large sums of money to be expended for the purpose of enforcing the law or defending the Government against claims in the courts, under the direction of the Attorney General and his assistants. Can it possibly be said that the discovery of any facts showing the neglect or failure of the Attorney General or his assistants properly to discharge the duties imposed upon them by law can not be and would not naturally be used by Congress as the basis for new legislation safeguarding the interests of the Government and making more improbable in the future the commission of any illegal or improper acts which might be shown to have been committed in the past?

Mr. Harry M. Daugherty, the Attorney General against whom the resolution primarily was directed, resigned his office on March 28, 1924 (rec. p. 3), after the passage of the first and before the second Senate resolution. But neither before nor after such resignation had the Senate any power of removal over him, save and except when sitting to try articles of impeachment brought against him by the House of Representatives. Nor has the Senate any power of removal of any of the subordinates in the Department of Justice referred to in the resolution of March 1. Therefore it has no judicial power in the premises. But how can it be claimed that information secured upon the investigation regarding the suggested failure of the former Attorney General, or his associates or subordinates, to properly, efficiently, and promptly prosecute or defend claims against or by the United States might not disclose defects in the system of conducting the work of the department which could be remedied by statutory regulations within the power of Congress to enact? Is not this the legitimate object of the inquiry, and is not this court bound to adopt that construction of the resolution so long as it is possible, rather than to impute to the Senate of the United States a purpose outside of its constitutional functions?

So, Mr. President, the Attorney General argues, and argues upon perfectly sound authority, which I shall not take the time to dilate upon here, that the suggestion made by the Senator from Iowa that there is a difference, because in those resolutions it was recited that the investigation was instituted in aid of legislation, has no support in either reason or authority; that the Senate when it conducts an investigation is presumed to do it in aid of legislation; and here we need not follow any presumption about the matter at all, because, as the Senate has been advised, it is contemplated that legislation shall be enacted by the Congress of the United States pursuant to the facts as disclosed by this investigation.

There is just one other word that I want to say in respect to this matter and I am through. The Senator from Iowa seeks to raise some kind of a distinction—I must again confess that I do not comprehend it—between the matter now before us and the Teapot Dome case, because that was an offense directly against property of the United States while this is an offense of a somewhat different character. However, the case to which I have adverted, Mr. President, did not arise out of the Teapot Dome investigation at all; it arose out of the investigation resulting from the resolution introduced by my colleague, the junior Senator from Montana [Mr. WHEELER], to cause an investigation of the practices of the Department of Justice. There was no question of property involved in this matter at all. The simple question was as to whether the Department of Justice had diligently and in good faith discharged the duties of that office as imposed upon it by the law. What has been said here is not with reference to the Teapot Dome matter or the Elk Hills matter at all, but with reference

to the resolution which directed an investigation into the practices and proceedings of the Department of Justice.

What is the difference, Mr. President, between a crime which also involves an offense against the property of a particular individual and a crime which does not?

I go to the district attorney and complain that Jones has stolen some property of mine. I want to vindicate the law and I want to get back my property. In another case I go before the district attorney and say that Jones has violated the Volstead Act. You can not distinguish between the two cases; they are both crimes under the law; the same rules apply to them whether the offense involves an injury done to the complaining witness or not. There is no such distinction as that in the law that I know anything about.

Mr. CUMMINS. Mr. President, I have not attempted to make any such distinction. I think the Senator from Montana must have misunderstood me.

Mr. WALSH. That is quite likely, because I have been misunderstanding the Senator right along.

Mr. CUMMINS. That seems to occur often; but it will not occur so often in the future. My suggestion is this: The Aluminum Co. is charged with the commission of a crime for a contempt of court in violating the court's decree. We do not intend to legislate; it is not suggested that we are going to change the antitrust law or that we are going to change the Clayton Antitrust Act.

Mr. WALSH. No; but it is suggested that we are going to change the law applicable to the duties of the Department of Justice.

Mr. CUMMINS. Precisely. The only proposition is to remove one of the officers of the Department of Justice.

Mr. WALSH. No.

Mr. CUMMINS. Or all of them, for that matter.

Mr. WALSH. No.

Mr. CUMMINS. They are all to be removed?

Mr. WALSH. No; that is not an accurate statement at all.

Mr. CUMMINS. They are to be removed so far as their management or control of this case is concerned.

Mr. WALSH. No; they are not to be removed at all.

Mr. CUMMINS. My view of it has been that that removal, which we are attempting to effectuate through the joint resolution which I am informed will presently be offered, is not legislation. That is the point I make. It does not make any difference whether it is Government property or the property of an individual. If, however, this is legislation within the contemplation of the Constitution, then my point is not well taken.

Mr. WALSH. If it is not legislation within the Constitution, neither is the action relative to the Teapot Dome legislation.

Mr. CUMMINS. I am not attempting to defend the Teapot Dome legislation in all its parts. It undoubtedly was intended to accomplish a righteous purpose, and there are some things in it that have met with my entire approval, but I am not to be called upon to defend all parts of it.

Mr. WALSH. I am not speaking about defending all parts of it; I am asking the Senator to defend only that part of it which provides for the appointment of special counsel, who shall have control of the case to the exclusion of the Department of Justice.

Mr. CUMMINS. Precisely.

Mr. WALSH. With respect to that, this resolution is identical with it.

Mr. CUMMINS. I agree to that.

Mr. WALSH. And if this is not legislation that was not legislation, and accordingly, sir, if it is not legislation, it affords no justification for anything done under it.

Accordingly the employment of Pomerene and Roberts was void because we can not confer any power upon the President of the United States by unconstitutional legislation.

Mr. CUMMINS. I think that is true.

Mr. WALSH. Very well. Then if that legislation is unconstitutional, it conferred no power upon the President of the United States, and his action in appointing those men is without legality, and everything they did was without authority.

Mr. CUMMINS. That I do not agree to. I think their appointment was entirely constitutional.

Mr. WALSH. Under an unconstitutional law?

Mr. CUMMINS. In what respect was the law unconstitutional?

Mr. WALSH. I do not entertain the idea at all, but I understand the Senator does.

Mr. CUMMINS. No; I have not said so. It is the Senator from Montana who is suggesting unconstitutionality in that law, not myself.

Mr. REED of Missouri. Mr. President—

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Does the Senator from Montana yield to the Senator from Missouri?

Mr. WALSH. I yield.

Mr. REED of Missouri. I wish to inquire if the Senate does not think it is about time to apply cloture to the interruptions?

Mr. WALSH. Mr. President—

Mr. REED of Missouri. I have no reference, of course, to the Senator from Montana.

Mr. WALSH. Mr. President, I submit this case to the judgment of the Senate. I believe that the report of the majority of the Judiciary Committee is abundantly justified by the disclosures that were made before that committee and reviewed here. I think a case has been presented which not only warrants but demands that the further conduct of this matter be taken out of the hands of the Department of Justice and put in the hands of special counsel.

Mr. CUMMINS. Mr. President, I desire to understand just what the Senator from Montana desires in the way of amending his report before we have a vote upon it.

Mr. WALSH. I think we will let it stand just as it is.

Mr. CUMMINS. The Senator makes no change in the report?

Mr. WALSH. No.

Mr. MOSES. Mr. President, I thought I understood the Senator from Montana to say that he purposed to move to amend the report.

Mr. WALSH. No; I think the criticisms are casuistic, and I will ask for a vote on the report just as it stands.

Mr. REED of Pennsylvania. I call for the yeas and nays.

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). The yeas and nays are demanded.

Mr. REED of Pennsylvania. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Pennsylvania suggests the absence of a quorum. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Bayard	Fess	Mayfield	Sheppard
Bingham	Fletcher	Metcalf	Simmons
Bleasie	Frazier	Moses	Smith
Borah	George	Neely	Smoot
Bratton	Goff	Norbeck	Stephens
Brookhart	Gooding	Nye	Swanson
Broussard	Hale	Oddie	Tyson
Bruce	Harris	Overman	Wadsworth
Butler	Heflin	Pepper	Walsh
Cameron	Howell	Pine	Warren
Capper	Jones, Wash.	Ransdell	Watson
Couzens	Keyes	Reed, Mo.	Williams
Cummins	La Follette	Reed, Pa.	Willis
Curtis	Lenroot	Robinson, Ark.	
Dill	McKellar	Robinson, Ind.	
Edwards	McNary	Sackett	

Mr. LA FOLLETTE. I desire to announce that the senior Senator from Minnesota [Mr. SHIPSTEAD] is unavoidably absent. I ask that this announcement may stand for the day.

Mr. CAMERON. I desire to announce that the Senator from Oregon [Mr. STANFIELD], the Senator from Colorado [Mr. MEANS], and the Senator from Nevada [Mr. PITTMAN] are in attendance on the Committee on Public Lands and Surveys.

Mr. HOWELL. I desire to announce that the senior Senator from Nebraska [Mr. NORRIS] is confined to his room by illness.

The VICE PRESIDENT. Sixty-one Senators having answered to their names, a quorum is present.

Mr. WALSH. Mr. President, in order to avoid confusion, I beg leave to amend my motion to adopt the report of the majority so that it shall read:

I move to adopt the report of the majority save for the last paragraph thereof.

Mr. OVERMAN. That is, to strike out that part of the report which asks for an investigation?

Mr. WALSH. The part that I will read. The last paragraph reads as follows:

It has been deemed to be quite outside the scope of the resolution under which the committee acted to inquire whether such a violation has actually occurred or not; that is to say, whether evidence is available to establish such a violation. In view, however, of the doubts aroused as to the vigor and good faith of the Department of Justice, it is recommended that the Senate be asked to instruct the committee to enter upon that inquiry and to that end that it direct the commission to transmit to the committee for its use any evidence in its possession relating to the subject of violations by the Aluminum Co. of America of the decree against it entered in the District Court for the Western District of Pennsylvania on June 7, 1912.

Mr. OVERMAN. That paragraph the Senator has stricken out?

Mr. WALSH. Yes.

Mr. OVERMAN. The Senator very well knows that I signed the report with the understanding that there would be no extended investigation. The Senator said in his speech very frankly and very candidly, and also in his resolution, that he did not intend any extended investigation. That was my idea all the time, and that is the reason why I signed the majority report.

Mr. BRUCE. Mr. President, I should like to ask the Senator from Montana a question. As I understand, then, the report with that elimination comes down to simply a censure of the Attorney General for delay and for ignorance of litigation before his department?

Mr. WALSH. Yes.

Mr. ROBINSON of Arkansas. Mr. President, I do not rise for the purpose of addressing the Senate, but deem it proper to say that if the report is adopted by the vote now about to be taken I shall propose the joint resolution which has been referred to during the course of the debate, and which, for the information of the Senate, I ask to have read.

The VICE PRESIDENT. The Secretary will read the joint resolution for the information of the Senate.

The legislative clerk read as follows:

Resolved, etc., That the President of the United States be, and he is hereby, authorized, by and with the advice of the Senate, to appoint special counsel who shall be and is hereby empowered to institute and prosecute all such proceedings, civil or criminal, as may be necessary or appropriate to determine whether the Aluminum Co. of America has been guilty of any infraction of the decree entered against it in the District Court of the United States for the Western District of Pennsylvania on the 7th day of June, 1912, or of any violation of any of the antitrust acts, and to secure any appropriate relief against it or any of its responsible officers answerable for the same for any such infraction or violation of which it may be found guilty; such counsel to have full power and authority to carry on such proceedings, anything in the statutes touching the powers of the Attorney General or the Department of Justice to the contrary notwithstanding.

Mr. CUMMINS. Mr. President, I am not rising to discuss the matter, but to make one observation. With the recommendations stricken out as they have been, a vote to adopt this report simply means that every Senator who votes to adopt the report votes to affirm every recital and every statement made in it.

Mr. WALSH. Mr. President, I want to say, for the information of the Senate, in view of what was said by the Senator, that not a statement of fact made in the majority report is challenged by anybody.

Mr. REED of Pennsylvania. Mr. President, I call attention to the sentence which is now the last sentence in the report, with the elimination of the concluding paragraph. The Senate is asked to affirm this statement in the majority report of the committee:

It is not expected that the Attorney General will be conversant with the details of all litigation before his department, and he may well be entirely ignorant of some matters having or calling for its attention, but it is not too much to expect that he will at least be informed concerning a charge by his predecessor and another branch of the Government in effect, that a fellow member of the Cabinet, at least a corporation of which he is the dominant factor, has been guilty of contemptuous disregard of an injunction of a Federal court.

The Senate, by its vote to adopt the report, affirms that. By its vote not to adopt the report it says, in effect, that that charge has not been proven to its satisfaction.

I ask for the yeas and nays, Mr. President.

Mr. CUMMINS. I call for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The question is upon the motion of the Senator from Montana [Mr. WALSH] to adopt Report No. 177 as modified. Upon that motion the yeas and nays have been ordered, and the Secretary will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BRATTON (when his name was called). I have a pair on this question with the Senator from Maryland [Mr. WELLER]. I transfer the pair to the Senator from Florida [Mr. TRAMMELL] and vote "yea."

Mr. FLETCHER (when his name was called). I have a pair with the Senator from Delaware [Mr. DU PONT]. I transfer the pair to the Senator from Arkansas [Mr. CARAWAY] and will vote. I vote "yea."

Mr. McNARY (when his name was called). I have a pair with the junior Senator from New York [Mr. COPELAND]. The

junior Senator from New York is absent; and not knowing how he would vote on this question, I withhold my vote.

Mr. SIMMONS (when his name was called). I have a general pair with the senior Senator from Oklahoma [Mr. HARRELD], who is absent. I understood from him that he did not want me to transfer on this question, so I withhold my vote. If I were at liberty to vote, I would vote "yea."

Mr. FLETCHER (when Mr. TRAMMELL's name was called). My colleague [Mr. TRAMMELL] is unavoidably absent. I ask that this announcement may stand for the day.

The roll call was concluded.

Mr. SWANSON. I have a pair with the senior Senator from Illinois [Mr. MCKINLEY], which I transfer to the senior Senator from Rhode Island [Mr. GERRY], and vote "yea."

Mr. LA FOLLETTE. I desire again to announce the unavoidable absence of the senior Senator from Minnesota [Mr. SHIPSTEAD] and to state that if he were present he would vote "yea."

Mr. HOWELL. I wish to announce the absence of the senior Senator from Nebraska [Mr. NORRIS] on account of illness. If he were present, he would vote "yea."

Mr. JONES of Washington. I desire to make the following announcement of pairs:

The Senator from Delaware [Mr. DU PONT] is necessarily absent on account of illness. He has a general pair with the Senator from Florida [Mr. FLETCHER]. On this vote he is paired with the Senator from Arkansas [Mr. CARAWAY]. If the Senator from Delaware were present, he would vote "nay," and I understand that the Senator from Arkansas [Mr. CARAWAY] would vote "yea."

The Senator from New Jersey [Mr. EDGE] is paired with the Senator from Mississippi [Mr. HARRISON]. If the Senator from New Jersey were present, he would vote "nay," and I understand the Senator from Mississippi would vote "yea."

The Senator from Maine [Mr. FERNALD] I understand is paired with the Senator from New Mexico [Mr. JONES]. If the Senator from Maine were present he would vote "nay," and the Senator from New Mexico I understand would vote "yea."

The Senator from Massachusetts [Mr. GILLET] is paired with the Senator from Alabama [Mr. UNDERWOOD]. If the Senator from Massachusetts were present, he would vote "nay."

The Senator from Vermont [Mr. GREENE] is paired with the Senator from California [Mr. JOHNSON]. If the Senator from Vermont were present, he would vote "nay," and the Senator from California would vote "yea."

The Senator from Minnesota [Mr. SCHALL] is paired with the Senator from Nebraska [Mr. NORRIS]. If the Senator from Minnesota were present, he would vote "nay."

The Senator from Illinois [Mr. DENEEN] is absent on account of illness. He is paired with the Senator from Utah [Mr. KING], who is also absent owing to illness. If the Senator from Illinois were present, he would vote "nay," and the Senator from Utah would vote "yea."

The Senator from Connecticut [Mr. McLEAN] is necessarily absent. He is paired with the Senator from Virginia [Mr. GLASS]. If the Senator from Connecticut were present, he would vote "nay."

Mr. ROBINSON of Arkansas. My colleague, the junior Senator from Arkansas [Mr. CARAWAY] is necessarily absent. If present, he would vote "yea."

I also desire to announce that the senior Senator from Rhode Island [Mr. GERRY] is necessarily absent. If present, he would vote "yea." Both Senators are paired on this vote, and their pairs have been announced.

The junior Senator from Wyoming [Mr. KENDRICK] is absent on official business, and would vote "yea" if present.

The result was announced—yeas 33, nays 36, as follows:

YEAS—33

Ashurst	Ferris	Mayfield	Smith
Bayard	Fletcher	Neely	Stephens
Borah	Frazier	Nye	Swanson
Bratton	George	Overman	Tyson
Brookhart	Harris	Pittman	Walsh
Broussard	Heflin	Ransdell	Wheeler
Couzens	Howell	Reed, Mo.	
Dill	La Follette	Robinson, Ark.	
Edwards	McKellar	Sheppard	

NAYS—36

Bingham	Ernst	Metcalf	Sackett
Blease	Fess	Moses	Shortridge
Bruce	Goff	Norbeck	Smoot
Butler	Gooding	Oddie	Stanfield
Cameron	Hale	Pepper	Wadsworth
Capper	Jones, Wash.	Phipps	Warren
Cummins	Keyes	Pine	Watson
Curtis	Lenroot	Reed, Pa.	Williams
Dale	Means	Robinson, Ind.	Willis

NOT VOTING—27

Caraway	Gillett	Kendrick	Schall
Copeland	Glass	King	Shipstead
Deneen	Greene	McKinley	Simmons
du Pont	Harrell	McLean	Trammell
Edge	Harrison	McMaster	Underwood
Fernald	Johnson	McNary	Weller
Gerry	Jones, N. Mex.	Norris	

So Mr. WALSH's motion to agree to the Report No. 177, as modified, was rejected.

AGRICULTURAL DEPARTMENT APPROPRIATIONS

Mr. McNARY. I move that the Senate proceed to the consideration of House bill 8264, the Agricultural Department appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8264) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1927, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. CURTIS. I understand that the Senator from Oregon does not desire to go on with the bill to-night, and I wish he would ask that it be temporarily laid aside.

Mr. McNARY. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the unfinished business is temporarily laid aside.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until noon to-morrow.

The motion was agreed to; and the Senate (at 5 o'clock and 2 minutes p. m.) took a recess until to-morrow, Saturday, February 27, 1926, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 26, 1926

UNITED STATES COAST GUARD

Herman H. Curry to be a lieutenant (engineering).

POSTMASTERS

ALABAMA

Grover A. Bice, Thorsby.
Jacob A. Johnson, Vernon.

CONNECTICUT

Anna F. Bond, Rowayton.

KENTUCKY

David Goin, Frankfort.
Quay C. Quigg, Livermore.
John W. Tate, Monticello.
Iley G. Nance, Slaughters.
Robert Campbell, Taylorsville.

MAINE

Henry W. Bowen, Chebeague Island.
Eugene H. Lowe, Gray.
Ida P. Stone, Oxford.
Leon M. Small, Ridlonville.
Charles H. Bussell, Pittsfield.
Clayton R. Hamlin, Unity.
David L. Duncan, Washburn.
Alonzo F. Flint, West Buxton.
Ellsworth D. Curtis, West Paris.

MASSACHUSETTS

Henry T. Crocker, Brewster.
Charles K. Houghton, Littleton Common.
Carl E. Brown, Lunenburg.
Otis E. Hager, North Dana.
Beulah Hartwell, South Attleboro.

MONTANA

Phillip Daniels, Anaconda.
Ralph H. Bemis, Belt.
Jessie M. Tripp, Gardiner.
Earle H. Miller, Melstone.
Emil Heikkila, Roberts.
Harvey T. Eastridge, Stevensville.

NEW HAMPSHIRE

John A. Gleason, Dublin.
Natt A. Cram, Pittsfield.

NEW JERSEY

Jeanette H. Claypoole, Cedarville.
Clark P. Kemp, Little Silver.
David C. Bush, Oakland.
Loretta Conrow, Oceanport.
William H. Cottrell, Princeton.
Frank Wanser, Vineland.

PENNSYLVANIA

Harry H. Arnold, Clarion.
Frederick V. Fletcher, Howard.
William H. Yoder, New Kensington.
Samuel G. Garnett, Parkesburg.
Raymond J. Fisher, Robesonia.

TENNESSEE

Charles S. Harrison, Benton.
Sanders S. Proffitt, Concord.
Joseph W. Callis, Germantown.
Fred S. Pipkin, Lafayette.
Tim F. Stephens, Livingston.
Lorenzo A. Large, Niota.
Terrell McIlwain, Parsons.
Capp A. Richards, Saulsbury.
William J. Julian, Silver Point.
Charles E. Pennington, Sweetwater.

UTAH

Anna M. Long, Marysvale.
John P. McGuire, Provo.

VIRGIN ISLANDS

Bartholin R. Larsen, Christiansted.
Albert Pfau, St. Thomas.

WEST VIRGINIA

Frank O. Trump, Kearneysville.
Harry F. Lewis, Point Pleasant.
Melvin O. Whiteman, Wallace.
Boyd McKeever, Wardensville.

REJECTION

Executive nomination rejected by the Senate February 26, 1926

POSTMASTER

William H. Byhoffer to be postmaster at Selfridge, N. Dak.

HOUSE OF REPRESENTATIVES

FRIDAY, February 26, 1926

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed be the name of our heavenly Father, whose goodness and mercy never fail. Marvelous things are spoken of Thee, O God of our earthly zion. In Thee may we put our trust and never be ashamed. As influential factors in the great vineyards of earth and as lawmakers in the great fields of national endeavor do Thou be with us. Give wise direction to all that shall be done this day. But, blessed Lord, we would not leave outside of our prayer the many others. Let the light of Thy heavenly comfort shine through the darkness of their grief. Give strength to the weak, rest to the weary, and hope to the dying, and be a present help in every trouble. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

DEPARTMENTS OF STATE, JUSTICE, COMMERCE, AND LABOR APPROPRIATION BILL

Mr. SHREVE, from the Committee on Appropriations, by direction of that committee, reported the bill (H. R. 9795) (Rept. No. 388) making appropriations for the Departments of State and Justice, and for the judiciary, and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1927, and for other purposes, which was read the first and second time and with the accompanying papers referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. SANDLIN reserved all points of order.

REVENUE ACT OF 1926

Mr. BEERS. Mr. Speaker, I present a privileged resolution from the Committee on Printing.

The SPEAKER. The gentleman from Pennsylvania presents a resolution, which the Clerk will report.

The Clerk read as follows:

House Concurrent Resolution 12

Resolved by the House of Representatives (the Senate concurring), That there be printed 41,000 additional copies of the revenue act of 1926, of which 13,000 copies shall be for the use of the Senate document room, 25,000 copies for the use of the House document room, 1,000 copies for the use of the Committee on Finance of the Senate, and 2,000 copies for the use of the Committee on Ways and Means of the House of Representatives.

The resolution was agreed to.

PENSIONS

Mr. FULLER. Mr. Speaker, private pension bills being in order to-day, I desire to call up the bill (H. R. 8815) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The SPEAKER. The gentleman from Illinois calls up an omnibus pension bill, which the Clerk will report.

The Clerk read the title of the bill.

Mr. FULLER. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Illinois asks unanimous consent that this bill may be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. FULLER. Mr. Speaker, I also ask unanimous consent that the formal committee amendments may be offered en bloc after the bill has been read.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the formal committee amendments may be offered en bloc after the bill is read. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the bill.

The Clerk read as follows:

A bill (H. R. 8815) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Mary F. Randall, widow of Nathan P. Randall, late of Company G, Seventh Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Sarah C. Webb, widow of Wilson S. Webb, alias William Stoddard, late of Company C, Sixth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary Cole, widow of David Cole, late of Company B, Ninety-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary A. Patton, widow of Thomas A. Patton, late of Company H, Eightieth Regiment Illinois Volunteer Infantry, and unassigned detachment, Veteran Reserve Corps, and pay her a pension at the rate of \$30 per month.

The name of Maude E. Riggs, widow of Joseph Riggs, late of Company E, Twenty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Susan F. Rutherford, widow of George W. Rutherford, late of Company D, One hundred and forty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month through a legally appointed guardian.

The name of Viola H. Pugh, widow of Obadiah Pugh, late of Company H, Thirtieth Regiment United States Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Bethena Starkey, widow of George W. Starkey, late of Company I, Ninety-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Harriet E. Tally, widow of George W. Tally, late of Company E, Forty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Sarah C. Peterson, former widow of Riley C. Hodge, late of Company B, Thirty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mariam Breeze, widow of Thomas Breeze, late of Company B, Twelfth Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ann M. Barker, widow of Charles Barker, late of Company D, One hundred and fifteenth Regiment, and Company C, Seventeenth Regiment, Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Anna E. Crawford, former widow of William D. Crawford, late of Company F, Thirty-fifth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Rachel A. Dennis, widow of George Dennis, late of Company B, Third Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Helen M. Farley, widow of Andrew G. Farley, late of Company K, Nineteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary J. Hedinger, widow of Charles Hedinger, late of Company D, Second Regiment Colorado Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Gideon C. Lewis, late of Company I, Eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Mary N. Moody, widow of Jasper Moody, late of Company C, Seventh Regiment Provisional Enrolled Missouri Militia, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Abbie Osborn, widow of Allen Osborn, late of Company D, First Regiment Michigan Volunteer Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Jennie Pratt, widow of Ira E. Pratt, late of Sixteenth Battery, New York Light Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mania Vartanian, widow of Dr. Garabed E. Vartanian, late contract surgeon, Eighteenth Regiment United States Volunteer Infantry, Civil War, and pay her a pension at the rate of \$30 per month.

The name of Mary Fitchett, widow of Elias Fitchett, alias Elias Fidget, late of Battery B, Second Regiment United States Colored Volunteer Light Artillery, and pay her a pension at the rate of \$30 per month.

The name of Harriet G. Albro, widow of George F. Albro, late paymaster's steward, United States Navy, Civil War, and pay her a pension at the rate of \$30 per month.

The name of Caroline McGough, widow of Peter McGough, late of Company B, Third Regiment Rhode Island Volunteer Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Eleanor E. Seymour, widow of George S. Seymour, late of Company B, Second Regiment Pennsylvania Provisional Heavy Artillery, and Company E, Second Regiment Pennsylvania Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary A. Winsor, widow of Albert C. Winsor, late of Company A, Tenth Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary Bennett, widow of Frank Bennett, late of Company D, Eighteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Nellie L. Grady, helpless and dependent daughter of James Nilan, alias James Hines, late of Company I, Third Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The name of Jennie Allen, helpless and dependent daughter of Thomas Allen, late of Company E, Third Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Frances McAnnany, helpless and dependent daughter of Arthur McAnnany, late of Company F, Seventy-third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Jessie E. Diggery, helpless and dependent daughter of John Diggery, late of Company A, Second Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of \$20 per month.

The name of Sarah E. Compton, widow of William Compton, late of Company G, First Regiment United States Lancers, Michigan Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Minnie Dawson, former widow of Nathan W. Dawson, late of Company K, Tenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary C. Simmons, widow of Miles Simmons, late of Company H, Tenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Harriet Vosburg, former widow of Silas W. Stoddard, late of Company F, Fifth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Levina Lebert, widow of William R. Lebert, late of First Independent Battery Iowa Volunteer Light Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Emma Justice, widow of Andrew C. Justice, late of Company A, Fifty-third Regiment, and Company G, Fifty-first Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mattie Hepler, widow of George Hepler, late of Troop K, Third Regiment United States Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Magdalena Wilber, widow of Charles Wilber, late of Eleventh Battery New York Volunteer Light Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Nancy Stanton, helpless and dependent daughter of Adam Stanton, late of Company E, Twenty-fifth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Annie M. Heckaman, helpless and dependent daughter of Henry Heckaman, late of Company C, One hundred and forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The name of Annie Johnson, widow of Samuel Frogg, known as Samuel Johnson, late of Company H, One hundred and nineteenth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Herman Wagner, alias Henry Burnett, late of Company C, Eighth Regiment Maine Volunteer Infantry, Company E, Tenth Regiment New York Volunteer Cavalry, and Company E, First Regiment New York Provisional Cavalry, and pay him a pension at the rate of \$50 per month.

The name of Christina Maxworthy, widow of John Maxworthy, late of Unassigned Twelfth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Cora Ford, widow of Joseph Ford, late of Company G, Third Regiment Potomac Home Brigade Maryland Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Charles R. Gillam, helpless and dependent son of John M. Gillam, late of Company H, Seventy-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Caroline C. Bower, widow of Reuben W. Bower, late of Company H, Seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Nellie Chalmers, former widow of William Chalmers, late seaman United States Navy, Civil War, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary E. Cummins, former widow of Jonathan B. Saunders, late of Cogswell's battery, Illinois Volunteer Light Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Kate Payler, widow of George Payler, late of Company H, Eighth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lucelia M. Strunk, widow of Peter W. Strunk, late of Company F, One hundred and forty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mildred Renwick, widow of John R. Renwick, late of Company G, Ninth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Henry P. Hull, late telegraph operator, Military Telegraph Service, Civil War, and pay him a pension at the rate of \$50 per month.

The name of Richard King, late of Capt. Patrick C. Berry's Stone County company, Volunteer Missouri Militia, and pay him a pension at the rate of \$50 per month.

The name of Arthur S. Belcher, alias William Prescott, late unassigned, attached to Company F, Ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The name of Emily H. Barden, widow of Herbert Barden, late of Company B, Ninth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Laura I. Washburn, widow of John P. Washburn, late of Company G, Second Regiment New York Volunteer Infantry, and Company E, Second Regiment Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lucinda M. Irish, widow of Calvin A. Irish, late of Company L, First Regiment Vermont Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lizzie E. Streeter, widow of Isiah C. Streeter, late of Company A, Fourteenth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Maggie L. Cray, widow of William H. Cray, late of Company H, Twenty-second Regiment New York Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Helen F. Miller, widow of Henry H. Miller, late of Company B, Sixteenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Emma F. Niles, widow of Henry Niles, late of Company I, Fourth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Azzaline M. Bogle, widow of Edward W. Bogle, late of Company F, Sixteenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Josephine H. Green, widow of Everett Green, late of Thirtieth Unattached Company, Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Abbie J. Pierson, widow of George Pierson, alias George Stanhew, late of Companies C and A (Battalion), Ninth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Emma L. Knapp, widow of Preston S. Knapp, late of Company F, Seventeenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elmina H. Streeter, widow of Lorenzo Streeter, late of Company H, Thirty-seventh Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Charlotte M. Combs, widow of Carroll L. Combs, late of Company C, Fourteenth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary H. Hight, widow of John S. Hight, late of Company K, Third Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Jane L. McNichols, widow of John W. McNichols, late of Company C, Fifth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Louisa W. Kohser, widow of Charles Kohser, late of Company I, Twelfth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Emily J. Hormel, widow of Joel Hormel, late of Company F, Twelfth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Susan E. Darrough, widow of James W. Darrough, late of Company F, One hundred and thirteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Frederick Overlock, late of Nineteenth Unassigned Company, Maine Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The name of Charles E. Campbell, alias Ebin Campbell, late of the United States Marine Corps, Civil War, and pay him a pension at the rate of \$50 per month.

The name of Mary E. Sherbondy, widow of George W. Sherbondy, late of Company I, Twelfth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Laura Sherbondy, helpless and dependent daughter of said George W. and Mary E. Sherbondy, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Mary E. Sherbondy, the name of said Laura Sherbondy shall be placed on the pension roll, subject to the provisions and

limitations of the pension laws, at the rate of \$20 per month from and after the date of death of said Mary E. Sherbondy.

The name of Angeline Stuck, widow of John C. Stuck, late of Company B, One hundred and fifteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Lodemia Speelman, widow of Solomon Speelman, late of Company D, Forty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of John A. Swarts, helpless and dependent son of Jonas Swarts, late of Company D, One hundredth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$20 per month.

The name of Margaret J. Johnson, widow of Daniel W. Johnson, late of Company F, Eighty-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Adaline E. Robbins, widow of Jacob B. Robbins, late of Company K, Seventy-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth R. Noll, widow of Moses F. Noll, late of Company G, One hundred and thirty-third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Alice J. Stebbins, widow of John Stebbins, late of Battery A, Second Regiment Illinois Volunteer Light Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Melvina A. Horner, widow of John R. Horner, late of Company E, Eighth Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary Jane Bates, former widow of Sidney M. Bates, late of Company F, Seventh Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Evalene M. Davidson, widow of Harvey Davidson, late of Company B, First Regiment Michigan Sharpshooters, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Elizabeth Nye, widow of William Nye, late of Company F, Eighth Michigan Infantry, and Company H, First Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Emma J. Whipple, widow of Roman L. Whipple, late of Company K, First Regiment Michigan Volunteer Heavy Artillery, and pay her a pension at the rate of \$30 per month.

The name of Katharine Whitaker, widow of William Whitaker, late of Company I, One hundred and twenty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah Blodgett, widow of Jared O. Blodgett, late of Company G, Ninety-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Dorcas Quigley, widow of William L. Quigley, late of Company D, Eighty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ida Wilkinson, widow of Tully Wilkinson, late of Company I, Eleventh Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Emma C. Alton, widow of Albert M. Alton, late of Company D, One hundred and eighteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Sallie E. Copeland, widow of William W. Copeland, late of Company G, Sixth Regiment United States Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Ruth B. Adamson, widow of John V. Adamson, late of Company H, One hundred and seventy-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Priscilla A. Atwood, widow of Thomas A. Atwood, late of Company A, Sixteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah E. Beatty, former widow of George M. McCay, late of Company A, One hundred and sixty-eighth Regiment Ohio National Guard Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah L. Darr, widow of John J. Darr, late unassigned, Sixty-first Regiment Ohio Volunteer Infantry, and Company D, Eighty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Lizzie J. Fagin, widow of Abner D. Fagin, late of Company F, Eighty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Anne L. Fomorin, widow of Francis Fomorin, late of Company I, One hundred and fifty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Maggie Flora, widow of John Flora, late of Company F, Eighty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Rebecca A. Kidd, widow of George Kidd, late of Company D, Fifty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary H. Kline, widow of Benneville Kline, late of Company H, One hundred and thirty-eighth Regiment Ohio National Guard Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Anna McCann, widow of Benjamin F. McCann, late of Company A, Thirty-sixth and Thirty-fourth Regiments Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Clariada Moore, widow of Jacob Moore, late of Company E, Ninety-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Anna E. Reeves, widow of Hiram J. Reeves, late of Company D, Fifty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Margaret A. Taylor, widow of George Taylor, late of Company F, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary A. Taylor, widow of William H. Taylor, late of Company I, Sixty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Jennie S. Titus, widow of Edwin D. Titus, late of Company K, One hundred and fifty-third Regiment Ohio National Guard Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lucinda D. Woods, widow of Milton Woods, late of Company D, Tenth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Harriet Beisel, former widow of Joseph Hoyman, late unassigned, and Company A, Second Veteran Battalion, Potomac Home Brigade Maryland Infantry, and pay her a pension at the rate of \$30 per month.

The name of Anna B. Eicher, widow of Marcellus H. Eicher, late of Company G, Sixty-first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Virginia A. Harris, widow of John H. Harris, late of Company B, Eighty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Emma Hayden, widow of Emanuel S. Hayden, alias Edward S. Hayden, late of Company F, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Eunice A. Myers, widow of James A. Myers, late of Company F, One hundred and forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Eliza J. Weimer, widow of Samuel Weimer, late of Company G, Fifty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Lula A. Weimer, helpless and dependent daughter of said Samuel and Eliza J. Weimer, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Eliza J. Weimer, the name of said Lula A. Weimer shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$20 per month from and after the date of death of said Eliza J. Weimer, and that it be paid to her through a legally appointed guardian.

The name of Sarah E. Wilderman, widow of William L. Wilderman, late of Company I, First Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of \$50 per month through a legally appointed guardian in lieu of that she is now receiving.

The name of Rachel Wood, widow of Samuel Wood, late of Companies G and B, Sixteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Katie Wood, helpless and dependent daughter of said Samuel and Rachel Wood, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Rachel Wood, the name of said Katie Wood shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$20 per month from and after the date of death of said Rachel Wood.

The name of Harriet M. Hoover, widow of Levi G. Hoover, late of Company E, One hundred and fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Susan Kemberlin, widow of John G. Kemberlin, late of Company B, Eleventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary J. Chisholm, widow of John P. Chisholm, late of Company L, Twenty-second Regiment Pennsylvania Volunteer Cavalry, and Company L, Third Regiment Pennsylvania Provisional Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Martha Cox, widow of William F. Cox, late of Company H, Eighty-fourth Regiment Pennsylvania Volunteer Infantry, and Company I, Twentieth Regiment Veteran Reserve Corps, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Euphemia Brady, widow of Joseph H. Brady, alias Joseph H. Higgins, late of Company I, Fifth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Adaline M. Shaul, helpless and dependent daughter of Samuel M. Trulock, late of Company I, Seventy-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The name of Louise Hatch, widow of Alonzo H. Hatch, late of Company C, Sixty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Ida M. Uline, widow of George A. Uline, late of Company D, One hundred and twenty-fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Carrie S. Baxter, widow of George R. Baxter, late of Company F, Fifth Regiment, and Company C, One hundred and forty-sixth Regiment, New York Volunteer Infantry, and One hundred and tenth Company, Second Battalion Veteran Reserve Corps, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of William J. Finley, late of Captain Luten's Company B, First Regiment, Third Battalion, Kentucky Capital Guards, and pay him a pension at the rate of \$50 per month.

The name of Mary L. Kinsey, widow of Benjamin L. Kinsey, late of Company H, Seventh Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Jessie F. Loughridge, former widow of Peter K. Bonebrake, late of Company I, Thirty-third Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of William W. Shock, late military telegrapher, Civil War, and pay him a pension at the rate of \$50 per month.

The name of Hester R. Michael, widow of Jacob O. Michael, late of Company F, Second Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Edwina B. Kemp, widow of Thomas E. Kemp, late adjutant, Fourth Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Margaret E. Haviland, widow of Edgar P. Haviland, late of Company F, Second Regiment United States Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary J. Clark, widow of Francis Clark, late of Battery M, Second Regiment United States Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of John B. Blouse, helpless and dependent son of Jacob Blouse, late of Company K, One hundred and sixty-sixth Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Eliza J. Blouse, helpless and dependent daughter of Jacob Blouse, late of Company K, One hundred and sixty-sixth Regiment Pennsylvania Drafted Militia Infantry, and pay her a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Katherine White, widow of Adelbert B. White, late of Company M, Third Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Carrie E. Miett, widow of Oliver Miett, late of Company B, Third Regiment Rhode Island Volunteer Heavy Artillery, and pay her a pension at the rate of \$30 per month.

The name of Nellie B. Ainsworth, helpless and dependent daughter of Thomas Ainsworth, late of Company G, Ninety-eighth Regiment New York Militia Infantry, and pay her a pension at the rate of \$20 per month.

The name of Mary L. Harvey, widow of John H. Harvey, late of Company C, Seventy-fourth Regiment New York National Guard Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary Bershig, widow of Joseph Bershig, late of Company I, Twenty-third Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Blanche J. Barnard, widow of Edgar A. Barnard, late of Company A, Eighty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sophia J. Bartram, widow of George C. Bartram, late of Company K, Twenty-third Regiment Connecticut Volunteer Infantry, and Company I, First Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ellen E. Bechtel, helpless and dependent daughter of Benjamin Bechtel, late of Company I, Seventy-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Mary Eliza Brewster, widow of Silas Brewster, late of Company G, Twenty-sixth Regiment United States Colored Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Delia A. Castle, widow of Charles H. Castle, late of Company F, Seventeenth Regiment Connecticut Volunteer Infantry, and Fifty-fifth Company, Second Battalion Veteran Reserve Corps, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary E. Clark, widow of Leonard Clark, late of Company H, First Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Julia E. Cook, widow of Edwin L. Cook, late of Company E, Sixth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Annie D. Delavan, widow of Joseph Delavan, late of Company A, Fourth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of \$30 per month through a legally appointed guardian.

The name of Ellen W. Gregory, widow of Hyatt Gregory, late of Company A, Seventeenth Regiment Connecticut Volunteer Infantry, and Third Battery Connecticut Volunteer Light Artillery, and pay her a pension at the rate of \$30 per month.

The name of Elvora S. Halligan, widow of John H. Halligan, late of Company H, Twenty-eighth Regiment, Connecticut Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Emma L. Jimmerson, widow of Charles H. Jimmerson, late of Company A, Twenty-eighth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Jane Johnson, widow of Adam Johnson, late of Company G, One hundred and fifty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Jennie Meyer, helpless and dependent daughter of William J. Meyer, late of Thirty-second Independent Battery, New York Volunteer Light Artillery, and pay her a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Lida M. Osborn, widow of Elihu Osborn, late of Company E, Twenty-third Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary E. Read, widow of Herbert H. Read, late of Company H, Second Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Louisa D. Smith, widow of Leslie Smith, late of First and Second Regiments United States Infantry, and Lieutenant colonel Twentieth Regiment United States Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Thirza C. Gifford, widow of Julius E. Gifford, late of Company H, Tenth Regiment United States Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Lucy M. Walker, widow of Charles M. Walker, late of unassigned Second Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of John Wilkinson, late of Company F, One hundred and ninety-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The name of Mary V. Rankins, widow of Thompson Rankins, late of Company K, One hundred and fiftieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Deborah A. Baker, widow of John Baker, late of Company K, First Regiment Missouri Volunteer Light Artillery, and pay

her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Anna Smith, widow of Alexander M. Smith, late of Company C, Seventh Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of \$30 per month.

The name of James O. Dunnagan, alias William Parker, late of Company I, Twentieth Regiment New York State Militia, Company F, Ninth Regiment New York Heavy Artillery, and Company I, Second Regiment New Jersey Cavalry Volunteers, and pay him a pension at the rate of \$50 per month.

The name of Lora M. Brewer, helpless and dependent daughter of Noah Brewer, late of Company I, Eleventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The name of Eunice Ellis, widow of William G. Ellis, late of Companies D and G, Sixty-third Regiment, and Company K, One hundred and twenty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Charles S. Francis, helpless and dependent son of Thomas Francis, late of Company H, Twenty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$20 per month.

The name of Caroline W. Hershberger, former widow of Charles Carch, late of Company H, Sixty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Savannah Huffmire, widow of William B. Huffmire, late of Company C, Tenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Martha Johnson, widow of Ashley Johnson, late of Company B, Seventy-ninth Regiment Indiana Volunteer Infantry, and Company E, Eighth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Albert M. Kirby, helpless and dependent son of Francis M. Kirby, late of Company A, One hundred and fifty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Mary E. McJunkins, widow of Abijah McJunkins, late of Company F, Eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lucinda E. Miller, widow of Francis H. Miller, late of Company K, Sixth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth B. Painter, widow of Isaac N. Painter, late of Company C, Tenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary A. Rodgers, widow of James Rodgers, late of Tenth Battery, Indiana Volunteer Light Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Phoebe A. Ross, former widow of Jacob Shepler, late of Company C, Fifth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Rebecca Scott, widow of John H. Scott, late of Company B, Tenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Isabel Shurr, widow of John A. Shurr, late of Company B, Seventy-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Kezia Tiller, widow of Hiram J. Tiller, late of Company D, One hundred and fiftieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Amelia A. Wood, widow of James Wood, late of Company M, First Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Eliza A. Holtz, widow of John S. Holtz, late of Company K, Fifth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Ann Eliza Pike, widow of John B. Pike, late of Company K, First Regiment Mississippi Mounted Brigade Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of John Nidey, helpless and dependent son of Timothy Nidey, late of Company E, Eighty-ninth Regiment Indiana Volunteer

Infantry, and pay him a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Mary J. Hodgkins, widow of Samuel F. Hodgkins, late of Company G, Second Regiment United States Signal Service, and Company H, Twelfth Regiment Veteran Reserve Corps, and pay her a pension at the rate of \$30 per month.

The name of Adaline R. Springer, widow of William O. G. Springer, late surgeon's steward, United States Navy, Civil War, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Susan O. Jellison, widow of Benjamin H. Jellison, late of Company C, Nineteenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Anna L. Adams, helpless and dependent daughter of Thomas B. Adams, late of Company K, Second Regiment Missouri Volunteer Light Artillery, and pay her a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Mary J. Alton, widow of Cyrus D. Alton, late of Company G, Two hundred and third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of John V. Evans, late of Company H, Sixty-third Regiment Missouri Infantry (Enrolled Militia), and pay him a pension at the rate of \$50 per month.

The name of Ellen Lessing, widow of Herman Lessing, late of Company B, Forty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Lettie Painter, helpless and dependent daughter of William H. Painter, late of Company G, Forty-sixth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Nancy C. Jones, widow of Euphrates Jones, late of Company H, Sixty-third Regiment Enrolled Missouri Militia Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Almira E. McArron, widow of William J. McArron, late of Companies H and C, Second Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lucinda E. Spillman, widow of Thomas J. Spillman, late of Company D, Sixth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary H. Willcox, widow of William W. Willcox, late of Company B, Second Regiment United States Sharpshooters, and Company I, Twenty-fourth Regiment Veterans' Reserve Corps, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary Elizabeth Weller, widow of Sanford H. Weller, late of Company F, First Regiment New York Volunteer Light Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mella A. Parker, widow of Orrin C. Parker, late of Companies E and G, Eighth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Adaline Minsing, widow of Lewis Minsing, late of Company C, Second Regiment New York Mounted Rifles, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary L. Glidden, former widow of Harrison Henry, late of Company K, Twenty-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of David S. Barnhart, late of Company C, Sixth Regiment New York Volunteer Heavy Artillery, and Fourteenth Regiment New York Heavy Artillery, and Company G, Sixteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The name of Mary M. Town, widow of Benjamin F. Town, late of Company I, One hundred and thirtieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Frances Blakeley, widow of Judson Blakeley, late of Company B, Twenty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Serena Bean, helpless and dependent daughter of Cyrus Bean, late of Company C, One hundred and fiftieth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Helena Dearborn, widow of George H. Dearborn, late of Company A, Fifty-sixth Regiment Pennsylvania Militia Infantry, and pay her a pension at the rate of \$30 per month.

The name of Margaret Force, widow of George W. Force, late of Company L, Sixteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Emily J. Foust, widow of William Foust, late of Company I, One hundred and eleventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary E. Gray, widow of David C. Gray, late of Companies E and A, Eighty-third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of S. Celestia Hunt, widow of Herman Hunt, late of Company I, Second Regiment Pennsylvania Volunteer Cavalry, and Company C, Seventh Regiment United States Veteran Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Caroline I. Minneley, widow of Henry Minneley, late of Company A, Fifty-sixth Regiment Pennsylvania Emergency Militia Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Adelle Parker, widow of Almiron Parker, late of Company A, One hundred and twenty-first Regiment Pennsylvania Volunteer Infantry, and Company E, Sixteenth Regiment Veteran Reserve Corps, and pay her a pension at the rate of \$30 per month.

The name of Elizabeth W. Smith, widow of Benjamin F. Smith, late of Company M, Second Regiment United States Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Jennie C. Gorton, widow of Robert B. Gorton, late of Company C, Twenty-sixth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Lewis M. Kuhns, helpless and dependent son of William K. Kuhns, late of Company K, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Maria L. Stewart, former widow of Samuel S. McCreery, late of Company A, Second Battalion Pennsylvania Militia, and Company A, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Margaret M. Altman, widow of John F. Altman, late of Company E, Sixty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Hannah J. Kerr, former widow of John M. Stachell, late of Company D, One hundred and thirty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Margaret C. Wile, widow of John J. Wile, late of Company I, Fifth Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Catherine F. Edsall, former widow of William H. Edsall, late of Company E, Eleventh Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Jennie O'Donahue, widow of Patrick O'Donahue, late of Company M, Tenth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Margaret J. Relyea, widow of John C. Relyea, late of Company M, Tenth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Tina C. Baker, widow of John H. Baker, late of Company G, One hundred and eighteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Laura C. Crawford, widow of Samuel R. Crawford, late of Company C, Ringgold's battalion Pennsylvania Volunteer Cavalry, and Company D, Twenty-second Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Elizabeth S. Jones, widow of Harrison Jones, late of Company F, Eighth Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Sarah A. Chadwick, widow of Thomas W. Chadwick, late of Company F, Twelfth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Dora K. Flaherty, widow of James Flaherty, late of Company K, Twenty-fourth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Katherine L. R. Parker, widow of Edmund A. Parker, late of Company F, Eighth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary L. Daniels, widow of Orlando R. Daniels, late of Company E, Fiftieth Regiment New York Volunteer Engineers, and pay her a pension at the rate of \$30 per month.

The name of Margaret S. Morrall, widow of John E. Morrall, late of Company E, Fifty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Maria E. Ross, former widow of Benjamin A. Sherwood, late of Company A, One hundred and fifty-first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Harriet C. Bristol, former widow of James F. Woodruff, late of Company K, Nineteenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Julia F. Browning, widow of Arthur Browning, late of Company A, Fifty-second Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Rose E. Cain, widow of Anthony Cain, late of Company A, Sixth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Anna Crosby, widow of Harry Crosby, late of Company K, Seventeenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Hittie Davis, widow of Henry H. Davis, late of Company B, Forty-ninth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary C. Dooley, widow of Matthew Dooley, late of Company E, Third Regiment Massachusetts Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Victoria M. Dean, former widow of Liberty B. Sampson, late of Company B, Thirty-fourth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary A. Fife, widow of Andrew Fife, late of Company D, Sixty-first Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Alice Fern, widow of Patrick H. Fern, late of Company I, Sixty-first Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Rose A. Ferguson, widow of Thomas Ferguson, late first-class fireman, United States Navy, Civil War, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary Gorman, widow of William Gorman, late of Company F, Second Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Phillippine Hatzler, widow of John Hatzler, late of Company F, Fifty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ellen Manix, widow of John Manix, late of Company G, Twenty-seventh Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Josephine McDonald, widow of John McDonald, late of Company K, Second Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Jennie Miller, widow of Orson A. Miller, late of Company E, One hundred and fifty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Alice L. Pond, widow of Aaron B. Pond, late of Company K, First Regiment Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary E. Rittenhouse, widow of James Rittenhouse, late of Company D, Ninetieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Amy A. Purdy, helpless and dependent daughter of Alexander Purdy, late of Company G, First Regiment Michigan Sharpshooters, and pay her a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Harry E. Galuska, helpless and dependent son of George Galuska, late of Company G, Twentieth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Kate H. Garvin, widow of Jay Garvin, late of Company F, First Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth Lambert, widow of William A. Lambert, late of Captain Smith's Independent company, Pennsylvania Infantry, acting engineers, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Emma S. Gray, widow of James K. Gray, late of Company A, Twelfth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Virginia S. Lewis, widow of John D. Lewis, late of Company M, Fifteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Susan McDonald, widow of John H. McDonald, late of Company H, One hundred and fifty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Elizabeth Jamison, widow of Henry J. Jamison, late of Company G, Fifty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Nancy J. Sheay, widow of Michael A. Sheay, late commissary sergeant, One hundred and twenty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary E. Martin, widow of Azariah F. Martin, late of Company L, Second Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Eva Briggs, helpless and dependent daughter of John F. Briggs, late of Company K, Eighth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Rose McKenzie, widow of John D. McKenzie, late of Company H, Tenth Regiment Michigan Volunteer Infantry, Company G, First Regiment Michigan Volunteer Cavalry, and Company B, First Battalion of Cavalry, Mississippi Marine Brigade, and pay her a pension at the rate of \$30 per month.

The name of William R. Plessner, helpless and dependent son of Otto R. Plessner, late of Company H, Second Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of \$20 per month.

The name of Vernie Pope, helpless and dependent son of William C. Pope, late of Company B, Twenty-fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Martha Wilcox, widow of Julius B. Wilcox, late of Company A, Sixty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Emily Brune, helpless and dependent daughter of John Henry Brune, late of Company L, First Regiment Provisional Enrolled Missouri Militia, and pay her a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Oliver Ellis, late of Captain L. W. Storey's company, Volunteer Militia of Missouri, North Missouri Railroad Bridge Guards, and pay him a pension at the rate of \$50 per month.

The name of Jennie Wagner, widow of George Wagner, alias George Mellen, late of Company D, Fifty-sixth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Eliza Price, widow of William A. Price, late of Company B, First Regiment Provisional Enrolled Missouri Militia, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ellen Williams, widow of Noah S. Williams, late of Company F, Fortieth Regiment Illinois Volunteer Infantry, and Company K, Thirteenth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Emma J. Frogg, now Burke, former widow of Pleasant W. Frogg, late of Company F, Thirteenth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Laura J. Hicks, widow of James L. Hicks, late of Companies F and E, Ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Frances Miller, widow of Thomas J. Miller, late of Company F, Forty-seventh Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth Bradford, widow of Rual M. Bradford, late of Company G, One hundred and fifty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah J. Sherman, widow of William Sherman, late of Company H, Eighth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$50 per month through a legally appointed guardian in lieu of that she is now receiving.

The name of Gesina Schell, widow of Gerrit Schell, late of Company I, Seventeenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Jane Langerak, widow of William Langerak, late of Company F, Fourth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Jane Garrett, widow of Reuben Garrett, late of Company I, Eighth Regiment Iowa Volunteer Infantry, and Company K, First Regiment Missouri Volunteer Light Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth A. Guild, former widow of George R. Housel, late of Company G, Forty-seventh Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah J. West, widow of Edwin R. West, late of Company E, Fourth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Julia A. Woodard, widow of Joseph J. Woodard, late of Eighteenth Battery Indiana Volunteer Light Artillery, and pay her a pension at the rate of \$30 per month.

The name of Mary Hague, widow of Joseph Hague, late of Company F, Forty-seventh Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Nellie R. Brackett, widow of Andrew Brackett, late of Company K, Twelfth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Ellen Carr, widow of Thomas Carr, late musician, band, Sixtieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Margaret Hambaugh, widow of William A. Hambaugh, late of Company G, Third and Fifth Regiments Kentucky Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Louisa J. Honaker, widow of Benjamin Honaker, late of Company H, Fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The name of Martha M. Lane, widow of James A. Lane, late of Company A, Forty-third Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Clara A. Loomis, widow of Orville A. Loomis, late of Company K, Fourteenth Regiment United States Colored Troops, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary E. Lowe, widow of John Lowe, late of Company C, Ninety-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Julia Moomaw, widow of Benjamin F. Moomaw, late of Company A, Twenty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Emsey O. Young, widow of David Young, late of Company D, Second Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lidda J. Clark, widow of William F. Clark, late of Company A, First Regiment Illinois Volunteer Cavalry and Company A, Ninety-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Sarah J. Wickham, former widow of William T. Wickham, late of Company D, Seventy-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Amanda M. Armstrong, widow of John H. Armstrong, late of Company H, Thirteenth Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah M. Boyle, widow of James A. Boyle, late of Company E, One hundredth Regiment Pennsylvania Volunteer Infantry, and Troop L, Second Regiment United States Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Rebecca Odell, widow of James M. Odell, late of Company I, Thirty-sixth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Harriet D. Waterson, widow of James A. Waterson, late of Company C, One hundredth and fifty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Anna J. Manuel, widow of Charles Manuel, late of Company E, Eightieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Polly F. Gould, widow of William K. Gould, late of Company K, Fifty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Henrietta Pabst, now Harenberg, former widow of Philip Pabst, late of Company D, One hundred and forty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Patience A. Karnes, former widow of Robert L. Ensore, late of Company E, Fifty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Hattie Geske, helpless and dependent daughter of Charles Geske, late of Company K, Ninety-third Regiment Illinois Volunteer Infantry, and Company A, Second Regiment Veteran Reserve Corps, and pay her a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Lillie Geske, helpless and dependent daughter of Charles Geske, late of Company K, Ninety-third Regiment Illinois Volunteer Infantry, and Company A, Second Regiment Veteran Reserve Corps, and pay her a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Julia Beckley, helpless and dependent daughter of Benjamin F. Padgett, late of Company G, One hundred and forty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The name of Elizabeth Stedman, widow of Julius C. Stedman, late of Company G, Eighteenth Regiment Ohio Volunteer Infantry, and Company B, One hundred and forty-first Regiment Ohio National Guard Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Nancy O. Vale, widow of James B. C. Vale, late of Company D, Fourth Regiment West Virginia Volunteer Infantry, and Company H, Second Regiment West Virginia Veteran Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth Pugh, widow of George Pugh, late of Company D, Eighth Regiment United States Veteran Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Marinda Smith, widow of Jeremiah Smith, late of Seventh Independent Battery, Ohio Light Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sheridan McDaniel, helpless and dependent son of Elamander McDaniel, late of Company I, Eighteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Mary R. Hamilton, former widow of William Nicholson, late of Company K, Seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth Snyder, widow of Henry Snyder, late of Company I, Thirty-first Regiment Indiana Volunteer Infantry, and First Regiment United States Veteran Engineers, and pay her a pension at the rate of \$30 per month.

The name of Julian Embick, widow of Aaron Embick, late of Company E, One hundred and thirty-seventh Regiment Pennsylvania Volunteer Infantry, and Company D, First Regiment Pennsylvania Veteran Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Jane E. Burwell, widow of Andrew W. Burwell, late of Company H, Fifth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Margaret Beck, widow of Ludwig Beck, late of Company E, Fourteenth Regiment Indiana Volunteer Infantry, and Battery C, Fourth Regiment United States Volunteer Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Louisa E. Beck, helpless and dependent daughter of said Ludwig and Margaret Beck, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Margaret Beck the name of said Louisa E. Beck shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$20 per month from and after the date of death of said Margaret Beck.

The name of Frances M. Loper, widow of George P. Loper, late of Company F, Eighteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Julia M. Murphy, widow of Henry Murphy, late of Company D, Eighth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Nellie Troost, widow of Edward Troost, late landsman, United States Navy, Civil War, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth Siegler, widow of John F. Siegler, late of Company H, Eighth Regiment California Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah F. Spencer, widow of Loren A. Spencer, late of Company C, Eighth Regiment Vermont Volunteer Infantry, and pay

her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Priscilla Chandler, helpless and dependent daughter of George G. Chandler, late of Company F, Twenty-first Regiment Michigan Volunteer Infantry, and Company C, Fourteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The name of Alice Cox, widow of Mark Cox, late unassigned, Thirty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Maria Crowl, widow of Samuel H. Crowl, late of Company A, Twenty-ninth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Bridget Mathews, widow of Thomas Mathews, late of Companies A and F, Fifteenth Regiment Michigan Volunteer Infantry, and Company F, Third Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Margaret Y. Teters, widow of Wilbert B. Teters, late of Company I, Twenty-fifth Regiment Ohio Volunteer Infantry, and Company H, One hundred and sixteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth Gille, helpless and dependent daughter of Christian Gille, late of Company F, One hundred and seventy-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Edith M. Wyatt, widow of Isaac H. Wyatt, late of Company F, Sixty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Grace E. Moore, widow of James M. Moore, late of Company G, One hundred and sixtieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Catherine Davis, widow of Caleb R. Davis, late of Company E, Ninety-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Cora O. Russell, widow of Francis M. Russell, late of Company G, One hundred and sixty-first Regiment Ohio National Guard Infantry, and pay her a pension at the rate of \$30 per month.

The name of Virginia Hubley, widow of Samuel Hubley, late landsman, United States Navy, Civil War, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of May Pennington, helpless and dependent daughter of Allison C. Pennington, late of Company D, One hundred and sixty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Martha Burdett, widow of Reason Burdett, late of Company E, First Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth Vanfosson, helpless and dependent daughter of George Vanfosson, late of Company B, One hundred and twenty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The name of Margaret R. McClanahan, now Humphrey, former widow of David McClanahan, late of Company C, One hundred and twenty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary E. Deselms, widow of Spencer Brown Deselms, late of Company K, Fifteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Louisa Whiteleather, widow of Joseph Whiteleather, late of Company K, One hundred and fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Anna F. Ault, widow of Joseph C. Ault, late hospital steward, Second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Flora A. Fuller, widow of Thaddeus H. Fuller, late of Independent Company, Trumbull Guards, Ohio Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Margaret J. Coss, widow of Theodore Coss, late of Company G, Fifteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ada M. Buffington, widow of Benjamin R. Buffington, late of Company K, Fifteenth Regiment Ohio Volunteer Infantry, and Twenty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Elizabeth Olmstead, widow of Barnwell Olmstead, late of Companies E and F, Sixth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Ellen Stewart, widow of James H. Stewart, late of Company F, Eleventh Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary D. Wirebaugh, helpless and dependent daughter of William P. Wirebaugh, late of Company A, One hundred and forty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The name of Maggie Fetterman, widow of George Fetterman, late of Company D, Twelfth Regiment Pennsylvania Reserve Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Elizabeth May, widow of John May, late of Company A, One hundred and twenty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Polly Couch, widow of Elijah Couch, late of Company I, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Arena Smith, widow of Charles Smith, late of Company K, Forty-ninth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Lizzie McDaniel, widow of Reuben McDaniel, late of Company B, Seventh Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Cynthia Smallwood, widow of Edward Smallwood, late of Companies A and D, Seventh Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Sarah Mobley, widow of William Mobley, late of Company I, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Nancy C. Patrick, widow of Calvin Patrick, late of Company E, Thirty-second Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Laura C. York, widow of General Z. York, late of Company H, Thirteenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Nancy Lankford, widow of Robert Lankford, late of Company F, Forty-seventh Regiment Kentucky Infantry Volunteers, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary Powell, widow of Edmond W. Powell, late of Company A, Thirty-third Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth J. White, widow of James H. White, late of Company F, Twenty-first Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Clementine Williams, widow of William H. Williams, late of Company H, Thirteenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary E. Wakefield, widow of George Wakefield, late of Company D, Sixty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Electa Bellen, widow of Anthony Bellen, late of Company K, Eleventh Regiment New York Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lois A. Dugan, widow of Michael Dugan, late of Company D, One hundred and sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary Campbell, widow of Joseph Campbell, late of Company F, One hundred and forty-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary M. Files, former widow of Alexander Perry, jr., late of Company G, One hundred and sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary Longto, widow of Joseph Longto, late of Company I, First Regiment New York Engineers, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Alma C. Hill, widow of Jeremiah A. Hill, late of Company D, Thirteenth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary E. Giffin, widow of Martin E. Giffin, late of Company G, Ninety-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ellen Jane Putraw, widow of Joseph Putraw, late of Company C, Sixteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of James McDonald, helpless and dependent son of John F. McDonald, late musician, band, Third Brigade, Second Division, Twentieth Army Corps, and pay him a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Orrilla Smith, widow of Wilbur Smith, late of Company E, One hundred and sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$54 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Nettie D. Smith, helpless and dependent daughter of said Orrilla and Wilbur Smith, \$12 per month of the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Riley R. Smith, helpless and dependent son of said Orrilla and Wilbur Smith, \$12 per month of the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Orrilla Smith, the names of Nettie D. Smith and Riley R. Smith shall be placed on the pension roll at the rate of \$20 per month to each of them, through a duly appointed guardian, from and after the death of said Orrilla Smith.

The name of Ida V. Forbes, widow of Thomas O. Forbes, late of Company D, Thirty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Henrietta Bowker, widow of Sherman O. Bowker, late of Company C, Ninety-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Harriet A. Holmes, widow of George P. Holmes, late of Company A, Twentieth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Julia Laroue, widow of Julius Laroue, late of Company M, Sixth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Addie Gratton, widow of Jerry Gratton, late of Company H, Ninety-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Cecil C. Cardinal, helpless and dependent son of Franklin Cardinal, late of Company D, Sixtieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Margaret Richards, widow of James H. Richards, late of Company A, Ninety-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Margaret E. Reisch, widow of Emanuel Reisch, late of Company F, Forty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lizzie J. Yeagley, widow of Charles H. Yeagley, late of Company E, Thirty-eighth Regiment Ohio Volunteer Infantry, and unassigned, One hundred and twenty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Rachel A. Woggerman, former widow of Daniel Lobaugh, late of Company I, Seventy-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month through a legally appointed guardian in lieu of that she is now receiving.

The name of Franc Murray, widow of Samuel Murray, late of Company A, One hundred and twenty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary A. Radney, widow of Henry Radney, late of Company K, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of William H. McIntosh, helpless and dependent son of James D. McIntosh, late of Company A, One hundred and twentieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Anna K. Warren, widow of William M. Warren, late of Company I, One hundred and twentieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Alexander Sweeney, late a nurse, General Hospital, Chestnut Hill, Philadelphia, Pa., Civil War, and pay him a pension at the rate of \$30 per month.

The name of Mary A. Thompson, widow of George A. Thompson, late of Company M, Tenth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Martha Stadler, widow of John G. Stadler, late of Company B, Tenth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Katherine Kraft, widow of Peter Kraft, late of Company B, First Regiment New Jersey Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Rebecca Pedrick, widow of William Pedrick, late of Company H, Seventh Regiment Pennsylvania Volunteer Infantry, and Company H, Thirty-second Regiment Pennsylvania Militia Infantry, and pay her a pension at the rate of \$30 per month.

The name of George O. Flowers, helpless and dependent son of Samuel M. Flowers, late of Company K, One hundred and ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Nancy E. Hammon, widow of Martin L. Hammon, late of Company B, One hundred and tenth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary J. Miller, widow of John B. Miller, late of Company M, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth Downs, widow of William H. Downs, late of Company G, Twenty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Priscilla Boyer, helpless and dependent daughter of John Boyer, late of Company C, Two hundred and eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The name of Maria Van Orman, widow of John W. Van Orman, late of Company A, Seventy-ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Elizabeth Shaver, widow of David E. Shaver, late of Company K, Two hundred and second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Indiana Grant, widow of William J. Grant, late of Company A, Seventy-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary A. Redd, widow of Mordecai Redd, late of Company I, Thirty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary A. Crane, widow of John A. Crane, late of Company A, Eighty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Elizabeth Oswald, widow of Charles Oswald, late of Company H, Sixteenth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Orrel Tucker, widow of John O. Tucker, first-class boy, United States Navy, Civil War, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Jennie Hall, widow of Carr Hall, late of Company H, Fourteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Julia B. Jones, widow of William D. Jones, late of Company C, Third Regiment New York Volunteer Light Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Martin Flint, late of Company K, One hundred and seventeenth Regiment New York Volunteer Infantry, and Company E, Forty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The name of William H. Johnston, helpless and dependent son of John W. Johnston, late of Company D, Second Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Martha L. H. Shoemaker, widow of David Shoemaker, late of Company F, One hundred and fourth Regiment Ohio Volunteer Infantry, and Sixty-first Company, Second Battalion Veteran Reserve Corps, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary Smith, widow of Michael Smith, late of Company K, Twenty-eighth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Amanda Tyner, widow of John T. Tyner, late of Company D, One hundred and thirty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Harriet N. Jones, widow of Jacob Jones, late of Company D, Thirty-fifth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Cynthia A. Jones, helpless and dependent daughter of said Jacob and Harriet N.

Jones, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Harriet N. Jones, the name of said Cynthia A. Jones shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$20 per month from and after the date of death of said Harriet N. Jones.

The name of Malinda J. Miller, widow of Michael Miller, late of Company D, Fortieth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Edith Heu-de-Bourck, widow of William H. Heu-de-Bourck, late of Company L, First Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Priscilla De Witt, widow of James P. De Witt, late of Second Battery, Iowa Light Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth A. Line, former widow of George H. Norris, late of Company G, Eighty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Madlum Milledge, widow of Stephen S. Milledge, late of Company G, One hundred and first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary Emily Stansberry, widow of Allen W. Stansberry, late of Company H, Third Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Nancy J. Ross, widow of James W. Ross, late of Company K, Forty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lydia G. Read, widow of Daniel Read, late of Company F, Forty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Clara Harlan, former widow of John Wilkinson, late of Company A, Second Regiment Illinois Volunteer Light Artillery, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Sarah J. Gray, widow of Orrin Gray, late of Company A, Sixteenth Regiment Wisconsin Volunteer Infantry, and Company K, First Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Aleda Cobb, widow of Oliver H. Cobb, late of Company K, Forty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Lena Thackeray, widow of James Thackeray, late of Fifth Unattached Company, Massachusetts Militia, Infantry, and pay her a pension at the rate of \$30 per month.

The name of Laura B. Cummings, widow of Frederick A. Cummings, late of Company B, Second Regiment Massachusetts Volunteer Infantry, and Ninth Independent Battery, Massachusetts Volunteer Light Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Josie Hicks, helpless and dependent daughter of William B. Hicks, late of Company D, Forty-sixth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The name of Elizabeth A. Norman, widow of James B. Norman, late of Company H, Forty-third Regiment Missouri Volunteer Infantry, and Company D, Fifty-first Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Effie Overton, helpless and dependent daughter of William Overton, late of Company I, Fourth Regiment Provisional Enrolled Missouri Militia, and pay her a pension at the rate of \$20 per month.

The name of Jane Prather, widow of George M. Prather, late of Company B, First Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Benjamin F. Ewing, late of Company M, Thirty-first Regiment Enrolled Missouri Militia, and pay him a pension at the rate of \$50 per month.

The name of Sallie Gearhart, widow of John Gearhart, late of Company E, One hundred and twenty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Annie L. Durham, former widow of Telford Durham, late of Company A, Fourth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of \$30 per month, without affecting the pension of \$20 a month now being paid to William H. Durham, helpless and dependent son of the late soldier.

The name of Thomas C. Jones, late of Company F, Eleventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The name of Catherine Bridgford, widow of William Bridgford, late of Company K, Ninety-sixth Regiment New York Volunteer Infantry, and Company I, One hundred and forty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah F. Vier, widow of George Vier, late of musician band, Second Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah L. Hogle, widow of Alanson Hogle, late of Company E, Sixty-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lucilla B. Lobdell, widow of James E. Lobdell, late of Company G, One hundred and forty-third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Annie E. Allen, widow of Stanton P. Allen, late of Company C, First Regiment Massachusetts Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Julia A. Duell, widow of Dennis Duell, late of Company E, One hundred and forty-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah Capron, widow of Edmund Capron, late of Company B, One hundred and twenty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary Ann Bain, widow of James Bain, late of Company B, Thirtieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lydia F. Barkley, widow of Robert Barkley, late of band, First Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Julia D. Gould, widow of George Gould, late of Company B, Second Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Nannie E. Ladd, widow of Edgar P. Ladd, late of Company E, First Regiment New York Mounted Rifles, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Julia L. Hawkins, widow of Charles J. Hawkins, late of Company L, Second Regiment New York Veteran Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Christella B. Lawrence, widow of Charles M. Lawrence, late landsman, United States Navy, Civil War, and pay her a pension at the rate of \$30 per month.

The name of Susan B. Allen, widow of Edward N. Allen, late of Company I, Fifth Regiment New Jersey Infantry, and Company G, Seventh Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Martha A. Bechtel, widow of Frederick Bechtel, late of Company G, Twenty-third Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Annie Ireland, widow of Thomas G. Ireland, late of Company D, First Regiment New Jersey Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah E. Patterson, widow of William Patterson, late of Company C, First Regiment New Jersey Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Margaret C. Todd, widow of Benjamin H. Todd, late of Company C, Ninth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Susanna D. Tyler, widow of Thomas Tyler, late of Company G, Third Regiment New Jersey Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Clara E. Seaton, widow of Samuel M. Seaton, late of Company G, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Margaret A. Robinson, widow of Henry L. Robinson, late landsman, United States Navy, Civil War, and pay her a pension at the rate of \$30 per month.

The name of Mary Weller, helpless and dependent daughter of Charles Weller, late of Company I, Sixteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Victor Clark, helpless and dependent son of Robert B. Clark, late of Company A, One hundred and thirty-fourth Regiment

Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Rachel Peace, widow of Joseph Peace, jr., late of Company A, Forty-ninth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Amelia Harvey, widow of George W. Harvey, late of Company I, Fourteenth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Hattie E. Harvey, widow of Francis A. Harvey, late of Company E, One hundred and seventy-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Eva B. Lynch, helpless and dependent daughter of Uriah Lynch, late of Company K, Twenty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Alice May, widow of Charles H. May, late of Company D, First Regiment Pennsylvania Volunteer Cavalry, and Company H, Second Regiment Pennsylvania Provisional Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Agnes Preshe, widow of John Preshe, late of Company C, One hundred and eighty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sate L. Retan, former widow of Azariah C. Brundage, late of Company I, Thirty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Lydia H. Squires, widow of Niram B. Squires, late of Company C, One hundred and eighty-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Margaret C. Westbrook, widow of Joshua Westbrook, late of Company K, One hundred and thirty-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Ursula Lamphier, widow of Alonzo M. Lamphier, late of Company E, Tenth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Mary J. Vail, widow of John M. Vail, late of Company H, One hundred and sixty-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Henrietta Grubb, widow of David Grubb, late of Company A, Forty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Nancy E. Heller, widow of William Heller, late of Company I, One hundred and seventy-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth Brillhart, former widow of James Dunbar, late of Company A, Sixty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lucy Lamb, widow of Hiram Lamb, late of Company B, Seventh Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ellen M. Brown, widow of Egbert D. Brown, late of Company A, One hundred and eighty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Phebe A. Rice, widow of William Rice, late of Company M, First Regiment New York Veteran Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Alphald E. Park, widow of Sidney W. Park, late of Company G, Seventh Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Prudence E. Bair, widow of George Bair, late of Company G, Twenty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Phoebe E. Betts, former widow of George Halter, late of Company E, One hundred and sixty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Nancy M. Burroughs, widow of William L. Burroughs, late of Companies K and C, Sixteenth Regiment Michigan Volunteer Infantry, and Company E, One hundred and fifty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Millie Burton, widow of John W. Burton, late of Company G, Forty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Elvesta E. Carper, widow of James W. Carper, late of Company F, Fifty-fifth Regiment Ohio Volunteer Infantry, and pay her

a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Emma J. Dunn, widow of Francis W. Dunn, late of Company D, One hundred and twenty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Addie M. Jackson, widow of Thomas Jackson, late of Company F, Seventy-second Regiment Ohio Volunteer Infantry, and Company D, Third Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Mell A. Jones, widow of Decatur Jones, late of Company C, Hoffman's Battalion Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Katie Krieger, widow of Jacob Krieger, late of Company K, One hundred and first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Pauline Lieball, former widow of William Kaiser, late of Companies E and D, Sixth Regiment United States Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah A. Nighswander, widow of Jacob Nighswander, late of Company C, One hundred and eightieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Adaline Norton, widow of James A. Norton, late of Company K, One hundred and first Regiment Ohio Volunteer Infantry, and adjutant, One hundred and twenty-third Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Flora A. Overmire, widow of Albert Overmire, late of Company K, Fifty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary A. Schwab, widow of John M. Schwab, late of Company I, Third Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth Stowe, widow of Frank Stowe, late of Company K, Twenty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Clara R. Stutsman, widow of Robert D. Stutsman, late of Company K, First Regiment Ohio Volunteer Heavy Artillery, and pay her a pension at the rate of \$30 per month.

The name of Mary E. Wentz, widow of James H. Wentz, late of Company D, One hundred and twenty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Olive A. B. McLaughlin, widow of James W. McLaughlin, late of Captain Gilbert's Company C, Benton Cadets, Missouri Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Edward Jones, late of Company H, One hundred and fifty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The name of Lydia A. Lawrence, widow of James Lawrence, late of Twenty-first unattached company, Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Lucy R. Robertson, widow of William Robertson, late of Company L, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of \$30 per month.

The name of Anne Davis, widow of Thomas W. Davis, alias Thomas D. Evans, late ordinary seaman, United States Navy, Civil War, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Cordella Kite, widow of William H. H. Kite, late of Company I, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Mary Allen, widow of James R. Allen, late of Company D, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Sallie Cope, widow of Woodson Cope, late of Company E, Eighth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of William Woodby, helpless and dependent son of Hezekiah Woodby, late of Company B, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$20 per month.

The name of Susan A. Stout, widow of Alfred A. Stout, late of Company M, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Ellen Stout, helpless and dependent daughter of said Alfred A. and Susan A. Stout, the additional pension herein granted shall cease and determine: *And*

provided further, That in the event of the death of Susan A. Stout the name of said Ellen Stout shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$20 per month from and after the date of death of said Susan A. Stout.

The name of Lena Campbell, widow of Thomas W. Campbell, late sergeant, First Sharpshooters, attached to Twenty-seventh Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Edith L. Howland, widow of Levi Howland, late major, First Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary C. Sanders, widow of Josiah P. Sanders, late of Company H, First Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Sadie Humphrey, widow of William W. Humphrey, late of Company F, One hundred and eighty-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mae L. Cornell, helpless and dependent daughter of Rollin T. Cornell, late of Company B, One hundred and fifty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The name of Thomas Sims, late of Kennamer's company, Alabama Scouts and Guides, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Lillian Skidmore, widow of Joseph W. Skidmore, late of Company E, Second Regiment Massachusetts Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Ellen Buckley, widow of Bartholomew Buckley, late of Company I, First Regiment Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of \$30 per month.

The name of Zilpha J. Rowe, helpless and dependent daughter of David Rowe, late of Company E, Ninth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The name of Cora E. Farrar, helpless and dependent daughter of George W. Berry, late of Company H, Fourteenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Ida F. Knight, widow of Zebulon Knight, late of Company C, Twelfth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Alice J. Selby, widow of Henry Dalton Selby, late of Company E, Third Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Georgia A. Godwin, widow of Cornelius Godwin, late of Capt. William H. Smith's Company E, Third Battalion, First Regiment Kentucky Capital Guards, and pay her a pension at the rate of \$30 per month.

The name of Sallie A. Palmore, widow of Frederick W. Palmore, late of Company H, Tenth Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary E. Scudder, widow of Elias Scudder, late of Company D, Ninety-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Anna C. Tonnemacher, widow of Henry B. Tonnemacher, late of Company D, Fiftieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary Marker, former widow of Pinkney Dane, late of Company H, Twelfth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Susan Hall, widow of Alvey H. Brackett, alias Henry A. Clark, known as Henry Hall, late of Company A, Seventh Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Hattie L. Cantwell, widow of William A. Blood, late of Company H, Ninety-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Sarah J. Mersereau, widow of Fayette Mersereau, late of Company F, One hundred and forty-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Maria H. Kame, widow of William T. Kame, late of Company G, Eleventh Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Sarah E. Keefer, widow of James A. Keefer, late of Company B, Thirty-fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Julia A. Springer, widow of John C. Springer, late of Company K, Twenty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary A. Zimmerman, widow of William H. Zimmerman, late of Company C, One hundred and twenty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Elizabeth J. Barton, widow of Henry O. Barton, late of Company C, First Regiment Michigan Engineers and Mechanics, and pay her a pension at the rate of \$30 per month.

The name of Julia Miller, helpless and dependent daughter of David Miller, late of Company I, First Regiment Ohio Volunteer Light Artillery, and pay her a pension at the rate of \$20 per month.

The name of Mary L. Hershberger, widow of Eli Hershberger, late of Company G, One hundred and sixty-second Regiment Ohio National Guard Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of R. Elvina McDonald, widow of George W. McDonald, late of Company K, One hundred and ninetyeth Regiment Pennsylvania Volunteer Infantry, and Company K, Thirteenth Regiment Pennsylvania Reserve Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Julia A. Cameron, widow of Alexander Cameron, late of Company H, One hundred and second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Hannah Spring, former widow of George H. Spring, late of Company C, Seventh Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Rebecca J. Crist, widow of Ervin Crist, late of Company I, Forty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Amelia Viets, widow of Seba Viets, late of Company C, Fifth Regiment Missouri State Militia Cavalry, and Company E, Thirteenth Regiment Missouri Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Nancy A. McKinzie, widow of John W. McKinzie, late of Company C, Fortieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Cora Hubbard, helpless and dependent daughter of Adam Hubbard, late of Company B, Sixteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$20 per month, through a legally appointed guardian, in lieu of that she is now receiving.

The name of Mary J. Smith, widow of John Smith, late of Companies L and B, Seventy-seventh Regiment United States Colored Volunteer Infantry, and Company D, Tenth Regiment United States Colored Volunteer Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Louisa Fitzsimmons, former widow of Jacob Engle, late of Company E, Seventeenth Regiment Michigan Volunteer Infantry, and Company E, Second Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Elizabeth J. Hibler, widow of Louis P. Hibler, late of Company K, Sixty-third Regiment Enrolled Missouri Militia, and pay her a pension at the rate of \$30 per month.

The name of Marlon Lee, widow of David C. Lee, late artificer, B Battalion United States Engineers, and pay her a pension at the rate of \$30 per month.

The name of Rebecca Backman, widow of Charles M. Backman, late of Company E, One hundred and seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Minervie Thralls, widow of Joseph Thralls, late of Company A, Sixth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of William Reynolds, helpless and dependent son of Elias Reynolds, late of Company F, Sixty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$20 per month through a legally appointed guardian.

The name of James R. Maston, helpless and dependent son of James Maston, late of Company C, Thirty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Mary E. Lofton, widow of William A. B. Lofton, late of Company B, Ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Louisa M. Johnson, widow of Edwin F. Johnson, late of Company B, Twenty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Angeline Hollowell, widow of Andrew J. Hollowell, late of Company A, Forty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Adaline E. Fetz, helpless and dependent daughter of Charles Fetz, late of Captain Brown's independent company, Indiana Legion, and Captain Adam Knapp's Company A, Seventh Regiment Indiana Legion, and pay her a pension at the rate of \$20 per month.

The name of Sarah E. Esarey, widow of John C. Esarey, late of Company G, Fifty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Harriet A. Craig, widow of Amos Craig, late of Company C, Thirty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Emma E. Blake, widow of Thomas M. Blake, late of Company F, One hundred and twenty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Harriet A. Daniels, widow of William B. Daniels, late of Company C, Thirteenth Regiment United States Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Genevria Hatheway, widow of Martin Hatheway, late of Battery C, Second Regiment Illinois Volunteer Light Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah Ladson, former widow of John Hines, late of Company I, Second Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Hattie Johnson, widow of Franklin Johnson, late of Company B, Twenty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Eliza C. Clark, widow of John W. Clark, late of Company D, Eightieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Rachel L. Spencer, former widow of James H. Quillen, late of Company D, Fourteenth Regiment Indiana Volunteer Infantry, and Company C, First Regiment Indiana Volunteer Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Nancy E. Quillen, helpless and dependent daughter of said James H. and Rachel L. Quillen, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Rachel L. Spencer, the name of said Nancy E. Quillen shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$20 per month from and after the date of death of said Rachel L. Spencer.

The name of Lewis C. Jones, helpless and dependent son of Thomas M. Jones, late of Company H, Thirteenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Martha J. Lawyer, widow of Benjamin F. Lawyer, late of Company C, One hundred and seventeenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of George Taylor, helpless and dependent son of David Taylor, late of Company F, Thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$20 per month through a legally appointed guardian.

The name of James H. Beaman, late unassigned, Indiana Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The name of Samuel R. Proud, also known as Samuel Proud, late of Company E, Twentieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The name of Adeline Ringelstein, widow of Augustus Ringelstein, late of Company H, One hundred and fortieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Rosanna A. Moe, widow of Augustus R. Moe, late of Company B, Seventh Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Susan B. Churchill, widow of Elroy Churchill, late of Company A, First Regiment New York Mounted Rifles, and Company A, Twenty-third Regiment Veteran Reserve Corps, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ellen Gowin, widow of David Gowin, late of Company D, Fourteenth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary C. Gibbs, widow of Judson B. Gibbs, late of Company C, Twenty-eighth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth Power, helpless and dependent daughter of Charles A. Power, late of Company D, Thirty-first Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The name of Susanna E. Shannon, widow of John T. Shannon, late of Company D, First Regiment Indiana Volunteer Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Francis S. Haynes, alias Francis S. Reedy, late of Company H, Second Regiment Missouri Volunteer Cavalry, and Companies I and F, Forty-third Regiment Illinois Volunteer Infantry, and Nineteenth Regiment United States Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The name of Margaret McCullough, widow of William McCullough, late of Company F, Thirty-sixth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth Keller, helpless and dependent daughter of George W. Keller, late of Company I, Nineteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The name of Annie Vandegrift, widow of George W. M. Vandegrift, late of Company E, Ninth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Daniel W. Roberts, late of Capt. Henry N. Cook's Boone County Missouri Militia, and pay him a pension at the rate of \$50 per month.

The name of William M. Silver, helpless and dependent son of Joshua J. Silver, late of Company H, One hundred and fifty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Amanda Hall, widow of Robert W. Hall, late of Company D, Seventy-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Isadora P. Roberts, former widow of William B. Evans, late of Company D, One hundred and twenty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Nancy Burton, former widow of Brice P. Colyer, late of Company F, Forty-second Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary C. Hale, widow of John B. Hale, late colonel Fourth Regiment Provisional Enrolled Missouri Militia, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Walter H. Hale, helpless and dependent son of said John B. and Mary C. Hale, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Mary C. Hale, the name of said Walter H. Hale shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$20 per month from and after the date of death of said Mary C. Hale.

The name of Sarah J. Alderson, widow of Francis M. Alderson, late of Capt. Charles F. Mayo's Company C, Forty-sixth Regiment Enrolled Missouri Militia, and pay her a pension at the rate of \$30 per month.

The name of Susan G. Caplinger, widow of Andrew J. Caplinger, late of Company K, Thirty-ninth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Francis C. Evans, widow of John R. Evans, late of Company A, Twenty-sixth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Frederick Robb, late of Capt. Alexander Denny's company of Randolph, Howard, and Chariton Counties, Volunteer Militia of Missouri, and pay him a pension at the rate of \$50 per month.

The name of Daniel Ransdale, late of Capt. Henry N. Cook's Boone County company, Missouri Volunteer Militia, and pay him a pension at the rate of \$50 per month.

The name of Sarah Fisher, widow of Elijah T. Fisher, late of Company E, Eleventh Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Eunice C. Dearing, widow of Jacob M. Dearing, late of Capt. W. L. Webb's Company E, Sixty-sixth Regiment Enrolled Missouri Militia, and pay her a pension at the rate of \$30 per month.

The name of Eliza J. Taylor, widow of William F. Taylor, late of Companies M and K, First Regiment Arkansas Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary E. Nixon, widow of Edwin Nixon, late sergeant, Forty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Julia A. McCabe, widow of John J. McCabe, late of Company C, Third Regiment Arkansas Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Hattie A. Frazier, widow of Silas Frazier, late of Company B, One hundred and sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Jane Grant, widow of Levi Grant, late of Company B, One hundred and fifty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Alice E. Deitrick, widow of John Deitrick, late of Company B, Seventh Regiment Pennsylvania Volunteer Reserve Infantry (Thirty-sixth Regiment Pennsylvania Volunteers), and Company K, Eighty-third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Sarah B. Davenport, widow of Shaderick G. Davenport, late of Company G, Eleventh Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Loucinda J. Dixon, widow of William E. Dixon, late of Company C, Fifty-second Regiment Kentucky Mounted Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Margaret C. Fortney, widow of Eli A. Fortney, late of Company F, Thirty-fifth Regiment Kentucky Mounted Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah Hughes, widow of William Hughes, late seaman, United States Navy, Civil War, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Frances A. Neighbors, widow of George W. Neighbors, late of Company A, Twelfth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Martha H. Nunn, former widow of William H. F. Hiser, late of Company B, Twenty-first Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Rebecca Pardue, widow of John C. Pardue, late of Company K, Ninth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Francis Payne, widow of Edgar Payne, late of Company B, One hundred and ninth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Rachel E. Diehl, widow of Milton Diehl, late of Company G, Twenty-sixth Regiment Indiana Volunteer Infantry, Company H, Thirty-second Regiment United States Infantry, and Company I, Twenty-first Regiment United States Infantry, and pay her a pension at the rate of \$30 per month.

The name of Virginia Griffith, widow of Charles W. Griffith, late of Company B, One hundred and eighty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary L. Minesinger, widow of David N. Minesinger, late of Company H, One hundred and fortieth Regiment Pennsylvania Volunteer Infantry, and Battery C, First Regiment Pennsylvania Volunteer Light Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Louise C. Kimberly, widow of Robert L. Kimberly, late colonel One hundred and ninety-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Emily E. Phillips, widow of Roff Phillips, late of Company A, Sixty-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Nancy Morgan, widow of William G. Morgan, late of Company K, Eleventh Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Aroline H. Atwood, widow of Moses F. Atwood, late of Company D, Thirty-third Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Permella I. Winters, widow of William J. Winters, late of Company A, Fifty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Roena J. Vance, widow of Henry B. Vance, late of Company G, One hundred and forty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Nora B. Hardy, widow of John Q. Hardy, late of Company G, Eleventh Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Florence A. Rathbun, widow of Eben H. Rathbun, late of Company B, Seventh Regiment New York Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lovisa Buckley, widow of Philo Buckley, late of Company A, One hundred and forty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Amanda Jane Chesnutt, widow of Samuel Chesnutt, late of Company C, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Nancy J. Strickland, widow of Cyrus Strickland, late of Company H, Fifty-sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Annie M. Goss, widow of Richard Goss, late of Troop I, Sixth Regiment United States Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Joseph Alters, alias Joseph Alter, late of Company I, Fifty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The name of Harriet Webber, widow of Walter J. Webber, late of Fourteenth Independent Battery, Ohio Volunteer Light Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Patrick H. Bushnell, also known as Patrick Bushell, late of Company H, One hundred and ninety-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The name of Joey T. Dibble, widow of Ira Dibble, late of Company A, Eighty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Sarah L. Heintzman, helpless and dependent daughter of Jacob Heintzman, late of Company F, Ninety-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Lottie J. Heintzman, helpless and dependent daughter of Jacob Heintzman, late of Company F, Ninety-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Dorthula E. Smith, widow of John R. Smith, late of Company G, Twenty-third Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary L. Young, widow of George Young, late of Companies K and B, Thirty-first Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Carrie A. Cunningham, widow of Nason B. Cunningham, late of Company E, Sixth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Nathan W. Hamilton, helpless and dependent son of Richard S. Hamilton, late of Company I, Eighty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$20 per month.

The name of Agnes Rayburn, widow of William H. Rayburn, late of Company I, Fourth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Maggie Brown, helpless and dependent daughter of Anderson Brown, late of Company D, Fiftieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The name of Mary D. Smith, widow of Channing Smith, late of Company A, One hundred and sixteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Theodora E. Eisenbart, widow of Casper A. Eisenbart, also known as Anton Eisenbart, late of Company D, Twenty-seventh Regiment Enrolled Missouri Militia, and pay her a pension at the rate of \$30 per month.

The name of Sarah E. Madison, widow of George R. Madison, late musician, Fifty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Maria Sylvester, widow of William M. Sylvester, late of Company D, Forty-second Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$50 per month through a legally appointed guardian in lieu of that she is now receiving.

The name of Catherine Eichhorn, widow of George Eichhorn, late of Companies L and E, Fifth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary E. Buckmaster, widow of James Buckmaster, late of Company M, Seventh Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah A. Moss, widow of James W. Moss, late of Company A, Forty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Eva M. Fleck, widow of William H. Fleck, late of Company E, Fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Harriett L. Steele, widow of Samuel Steele, late of Company A, Seventy-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary J. Herbert, widow of Henry H. Herbert, late of Company K, Sixteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary Jackson, former widow of Solomon Crabtree, late of Company H, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth Mills, widow of William Mills, late of Company F, Fifth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary F. King, widow of Newton King, late of Company C, Fifty-fifth Regiment Kentucky Mounted Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary J. Harris, widow of Moses Harris, late of Company H, Twelfth Regiment United States Infantry, and pay her a pension at the rate of \$30 per month.

The name of Eliza Hatten, widow of Francis W. Hatten, late of Company I, Ninth Regiment West Virginia Volunteer Infantry, and Company D, First Regiment West Virginia Veteran Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Nancy Jakes, widow of Nelson M. Jakes, late of Company D, Tenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Maria Klenle, widow of Ludwig Klenle, late of Company C, Ninetieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Eliza J. Chenoweth, former widow of David R. Rinehart, late of Company I, One hundred and thirty-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary N. Hoagland, widow of Alexander Hoagland, late of Company F, Forty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Frederick Kidwiler, late teamster, Quartermaster Department, United States Army, Civil War, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Louisa C. Coleman, widow of Garrett F. Coleman, late of Company B, Second Regiment Potomac Home Brigade Mounted Infantry, and pay her a pension at the rate of \$30 per month.

The name of James H. Osborn, late of Capt. M. T. Haller's company of scouts, Barbour County, West Virginia State Troops, Civil War, and pay him a pension at the rate of \$50 per month.

The name of Mary A. E. Howard, widow of John H. Howard, late of Company E, Twelfth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Rachel B. Platter, widow of Henry B. Platter, late of Company A, Second Regiment Potomac Home Brigade Maryland Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary V. Reed, widow of William Reed, late of Company F, Fifty-sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Amanda E. Koons, helpless and dependent daughter of Samuel Koons, late of Company F, One hundred and seventy-eighth Regiment Pennsylvania Drafted Militia, and pay her a pension at the rate of \$20 per month.

The name of Nettie Truman, widow of William Truman, late of Company E, Thirty-third and Eleventh Regiments Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary E. Behymer, widow of Thomas J. Behymer, late of Company A, Fifth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Sarah Wurtsbaugh, widow of John Wurtsbaugh, late of Company C, One hundred and seventy-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Flora S. Weeks, widow of Oliver W. Weeks, late of Company A, One hundred and twenty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Anna F. Quinn, former widow of David P. Quinn, late of Company A, Twenty-fifth Regiment Iowa Volunteer Infantry, and

pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Melissa Kitchen, widow of George Kitchen, late of Company E, First Regiment Maine Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Frances M. Armstrong, widow of Franklin Armstrong, late of Company D, Eleventh Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Cora E. Shomo, widow of Joseph H. Shomo, late of Company F, Twentieth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Dorrance D. Shomo, helpless and dependent son of said Joseph H. and Cora E. Shomo, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Cora E. Shomo the name of said Dorrance D. Shomo shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$20 per month from and after the date of death of said Cora E. Shomo.

The name of Mary P. Gourlay, widow of Norman Gourlay, late of Company A, One hundred and eighteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Orpha H. Lawton, widow of James Lawton, late of Company D, One hundred and eighty-fifth Regiment New York Volunteer Infantry, One hundred and twenty-first Regiment New York Infantry, Company I, Sixty-fifth Regiment New York Infantry, and Battery I, Fourth Regiment United States Artillery, and pay her a pension at the rate of \$30 per month.

The name of Anna J. Bishop, widow of John Bishop, late of Company A, One hundred and eleventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Henrietta D. Washburn, widow of Ira Washburn, late of Company E, One hundred and eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Priscilla A. Fuller, widow of William M. Fuller, late of Company L, Eighth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Margaret E. Wilson, widow of Jacob E. Wilson, late of Company E, Third Regiment Missouri State Militia Cavalry, and Company M, Sixth Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Christena E. Waitman, widow of Francis M. Waitman, late of Company B, Twenty-fifth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah I. Axline, widow of John T. Axline, late of Company B, Second Battalion Missouri State Militia Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Cornelia Kennett, widow of John F. Kennett, late of Company B, Tenth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ida McAllister, widow of James McAllister, late of Company A, Third Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Emily C. Minturn, widow of Daniel F. Minturn, late of Company D, Second Regiment Nebraska Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ellen Litzel, widow of Peter Litzel, late of Company E, Eleventh Regiment, and Company I, Eighty-ninth Regiment, Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Miriam C. Buck, widow of Erastus A. Buck, late of Captain Graham's Cavalry company, attached to Fourteenth Regiment Missouri Infantry (H. G.), and pay her a pension at the rate of \$30 per month.

The name of Sarah C. Gross, widow of Reuben Gross, late of Company F, Sixth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Harriet Gale, widow of Rufus Gale, late of commissary, Eighth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Martha A. Culbertson, widow of Joseph A. Culbertson, late of Company A, Sixth Regiment Ohio Volunteer Infantry, and Company H, Fifty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Nettie McDowell, widow of William T. McDowell, late of Company E, One hundred and twenty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Frances E. Taylor, widow of Thomas E. Taylor, late of Company F, Forty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Paulina Rochelle, now Paulina Whitehead, former widow of John Rochelle, late of Company F, One hundred and thirty-fifth Regiment Ohio National Guard Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Rilla J. White, widow of Wesley B. White, late of Company D, One hundred and seventy-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Minerva R. Connelly, widow of Russell Connelly, late of Company H, Ninety-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth A. Brown, widow of Joseph H. Brown, late of Company E, One hundred and sixty-third Regiment Ohio National Guard Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Loda Shuler, widow of Andrew J. Shuler, late of Company I, Ninth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Hannah Marble, former widow of James Boyd, late musician, band, Nineteenth Regiment United States Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Martha E. Whiting, widow of James Whiting, late of Company F, Fifth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Mary A. Webbert, widow of David Webbert, late of Company G, One hundred and thirty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Maria Spencer, widow of William Spencer, late of Company F, One hundred and forty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Joseph Greenwood, late of Company H, Fourth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The name of Laura A. Moore, widow of Orton Moore, late of Company F, First Regiment New Hampshire Volunteer Heavy Artillery, and pay her a pension at the rate of \$30 per month.

The name of Charles H. Putnam, late of Capt. James O. Chandler's company, National Guard New Hampshire Militia, and pay him a pension at the rate of \$50 per month.

The name of Sarah F. Buck, widow of Sewell M. Buck, late of Company F, First Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Clarinda A. Spear, widow of Otis G. Spear, late of Company B, Fourth Regiment Maine Volunteer Infantry, and acting master's mate, United States Navy, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary J. Hildreth, widow of George V. Hildreth, late of Company E, Twenty-sixth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Josephine E. Grant, widow of James P. Grant, late of Company C, Thirty-second Regiment Maine Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Madora A. Lander, widow of Eldridge T. Lander, late of Company A, Twenty-third Regiment Maine Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Erwin C. Rose, helpless and dependent son of Thomas S. Rose, late of Company F, Nineteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Rachel B. Smart, widow of James C. Smart, late of Companies I and E, Eighth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Rebecca Powell, widow of Sylvester Powell, late of Battery F, First Regiment West Virginia Light Artillery, and Company B, Seventh Regiment West Virginia Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Jemima Mechling, widow of George Mechling, late of Company G, Sixty-seventh Regiment Pennsylvania Volunteer Infantry,

and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mollie S. Hutchinson, widow of William Hutchinson, late of Company B, Seventy-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Alice R. Holmes, widow of Bartholomew Holmes, late of Company E, Fifty-fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah A. Jellison, widow of William Jellison, late of Company K, Forty-sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Polly A. King, widow of Mathias P. King, late of Company B, Twenty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lucinda Bush, widow of Henry Bush, late of Company K, One hundred and sixty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah F. Berry, widow of William Berry, late of Captain Gilbreath's company Alabama Scouts and Guides, and pay her a pension at the rate of \$30 per month.

The name of Laura V. Adams, widow of Wiley Adams, late of Company G, Seventy-ninth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Marietta Bishop, former widow of Henry H. Crocker, late of Company A, One hundred and twenty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Diana M. Oakley, widow of William C. Oakley, late of Company H, Sixth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lillian B. Ramsdell, widow of John B. Ramsdell, late of Company B, One hundred and fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Frances H. Underwood, widow of George D. Underwood, late of Company E, First Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary E. Burrell, widow of James Burrell, late of Company A, Thirty-eighth Regiment Iowa Volunteer Infantry, and Company F, Thirty-fourth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Adile Hemmings, widow of Charles T. Hemmings, late of Company I, Thirty-fourth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Elizabeth J. Chambers, widow of Henry Chambers, late of Company K, Twelfth and Twenty-seventh Regiments Iowa Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Nancy W. Fuller, widow of William B. Fuller, alias William Benton, late of Company C, Ninth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary L. Thompson, widow of Charles D. Thompson, late of Company K, Ninety-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Magdalene Emrich, widow of William F. Emrich, late of Company G, Ninth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Emogene E. Perrin, widow of Amos D. Perrin, late of Company I, Fifth Regiment Rhode Island Volunteer Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Margaret Ahern, widow of Patrick F. Ahern, alias Patrick Herring, late of Company A, Third Regiment Rhode Island Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah H. Luffbarry, widow of James L. Luffbarry, late of Company A, Ninety-first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary J. Bunch, widow of John Bunch, late of Company K, Twenty-ninth Regiment Illinois Volunteer Infantry, and Ninety-eighth Company, Second Battalion, Veteran Reserve Corps, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Leamon Bunch, helpless and dependent son of said John and Mary J.

Bunch, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Mary J. Bunch, the name of said Leamon Bunch shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$20 per month from and after the date of death of said Mary J. Bunch.

The name of Mary M. Oney, widow of Bedford Oney, late of Companies G and K, Seventh Regiment Missouri State Militia Cavalry, and Company H, Ninth United States Veteran Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lutheria Bachelder, widow of Charles M. Bachelder, late of Company E, Ninth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Esther Huntress, widow of Wilbur H. Huntress, late of Company A, Third Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Susan O. Adams, widow of Solomon H. Adams, late of Company A, Seventh Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sophronia Burden, widow of William Burden, late of Company I, Third Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Matilda J. Eubanks, widow of William Eubanks, late of Company C, First Regiment Arkansas Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary A. Hatton, widow of Sylvester F. Hatton, late of Company G, Twelfth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Martha E. Henderson, widow of Francis M. Henderson, late of Company H, Fourteenth Regiment, and Company M, Eighth Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary A. Hester, widow of James H. Hester, late of Company D, Second Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth M. Miller, widow of Franklin Miller, late of Company A, Tenth Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah A. Nelson, widow of Gabriel Nelson, late of Company E, Fifty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Persiller Parmley, widow of John R. Parmley, late of Company K, Fifteenth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Eady Elizabeth Ripple, former widow of James D. Harryman, late of Company K, Eighth Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elda L. Rutherford, helpless and dependent daughter of Fielding L. Rutherford, late of Company G, Fourth Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Martha V. Smith, widow of Levi Smith, late of Company C, Fourteenth Regiment Missouri State Militia Cavalry, and Company H, Fourth Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Mary E. Walp, widow of Nathan Walp, late of Company D, Ninth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Julia A. Wagner, widow of Levi Wagner, late of Company F, Seventeenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Martha Tuttle, widow of Edward P. Tuttle, late of Company B, Twenty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary Brooker, widow of Ambrose Brooker, late of Company C, One hundred and fortieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Eliza M. Vail, widow of John Vail, late of Company A, Twenty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Livonia Rodgers, widow of Nelson P. Rodgers, late of Company K, One hundred and fifty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Hester C. True, widow of John A. True, late of Company G, Thirty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Jennie Dorman, widow of John E. Dorman, late of Company B, One hundred and ninety-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Matilda Arnold, widow of Alvin Arnold, late of Company G, One hundred and fifty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary Wisehart, widow of Joshua R. Wisehart, late of Company A, Eighteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Anna E. Wilsey, widow of Charles H. Wilsey, late of Company K, Eighty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Harriet Kingsbury, widow of Lemuel Kingsbury, late unassigned, Fifteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Elizabeth L. Lloyd, widow of William E. Lloyd, late of Company D, Fourth Regiment Pennsylvania Reserve Infantry, and pay her a pension at the rate of \$30 per month.

The name of Lucinda Beck, widow of Henry Beck, late of Company G, Fifty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Caroline Riley, widow of Edward Riley, late of Company F, Seventeenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Melvina D. Story, widow of Orrin Story, late of Company E, One hundred and twenty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Margaret Barton, widow of Alexander Barton, late of Company D, Fifty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary F. Shellenberger, widow of Filbert Shellenberger, late of Company K, Tenth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Emily Plunket, widow of Jesse Plunket, late of Company E, Fifty-third Regiment Kentucky Mounted Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Susan M. Capehart, widow of Reuben M. Capehart, late of Company F, Fourth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah E. Hamilton, widow of William W. Hamilton, late of Company F, One hundred and twentieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Amanda R. Frank, widow of Morris T. Frank, late of Twenty-fifth Battery Indiana Light Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Luella Sutton, widow of Charles Sutton, late of Company C, Forty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Abby E. Trussell, widow of Augustus J. Trussell, late of Company A, Fifty-seventh Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of S. Angeline Wheeler, widow of Lemuel M. Wheeler, late of Battery G, Fourth Regiment United States Volunteer Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Margaret R. Skidmore, widow of Hiram Skidmore, late of Company I, Third Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Hannah M. Atha, widow of William P. Atha, late of Independent Battery Ohio Volunteer Light Artillery, and pay her a pension at the rate of \$30 per month.

The name of Frances A. Horr, widow of Llewellyn Horr, late of Company F, One hundred and sixteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary Sutton, widow of Nathaniel A. Sutton, late of Company I, Twenty-third Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Priscilla Redman, widow of Absalom R. Redman, late of Company A, Fifty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Sarah P. Deem, widow of Edward W. Deem, late of Company D, Fourteenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Eldora Howard, widow of Jerry Howard, late of Company B, Seventeenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Martha Joslin, widow of William Joslin, late of Company C, One hundred and twenty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Elizabeth T. Douglass, widow of William Douglass, late of Company D, One hundred and eightieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary A. Pemberton, widow of Stephen C. Pemberton, late of Company B, Eighty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Bertha L. Pemberton, helpless and dependent daughter of said Stephen C. and Mary A. Pemberton, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Mary A. Pemberton, the name of said Bertha L. Pemberton shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$20 per month from and after the date of death of said Mary A. Pemberton.

The name of Fannie Nier, widow of John Nier, late of Company H, One hundred and forty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Emily J. McGee, widow of Thomas McGee, late of Company D, One hundred and sixty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Jane A. Shelton, widow of William T. Shelton, late of Company F, One hundred and sixty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Anna M. Lohnes, widow of John P. Lohnes, late of Company D, Third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lois L. Andrews, widow of Henry D. Andrews, late of Company F, Thirty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary C. Gleason, widow of John Gleason, late of Companies G and F, Eighty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Susan V. Rogers, widow of Charles W. Rogers, late of Company C, Seventy-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Margaret F. Brunner, widow of Philip M. Brunner, late of Company H, Ninetieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth Lilly, widow of Byron Lilly, late of Company E, Thirty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Cordelia A. Wilson, widow of Thomas R. Wilson, late of Company E, One hundred and thirty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary Ellen Montis, widow of Sol Montis, late of Company F, One hundred and forty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Samantha McCann, widow of Spencer McCann, late of Company F, Ninety-seventh Regiment Ohio Volunteer Infantry, and Company I, Twenty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Rebecca M. Reese, widow of Austin D. Reese, late of Company I, One hundred and forty-second Regiment Ohio National Guard Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Anne Jones, widow of Daniel L. Jones, late of Company C, One hundred and thirty-fifth Regiment Ohio National Guard Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah C. Hughes, widow of George H. Hughes, late of Company I, Eighteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Anna M. Smith, widow of Charles E. Smith, late of Company I, Thirty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Adaline McAnaney, widow of Patrick H. McAnaney, late of Company H, One hundred and second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Margaret H. Diehl, widow of Jacob Diehl, late of Company C, One hundred and sixteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Annie E. Fryer, widow of David F. Fryer, late of Company D, Eightieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Phedora J. Black, former widow of John L. Black, late of Company K, One hundred and thirty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Matilda Hester, former widow of Alexander C. Noble, late of Company A, Eleventh Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sophia Fahr, widow of George Fahr, late of Company B, Thirty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sophie Atkinson, widow of William F. Atkinson, late of Company A, First Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Emma T. Ball, widow of George W. Ball, late of Ninth Independent Battery, Wisconsin Volunteer Light Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sallie Radford, widow of Samuel F. Radford, late of Company K, Third Regiment North Carolina Mounted Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary M. Allison, widow of James W. Allison, late of Company E, Seventieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Frances A. Burdsal, widow of Caleb S. Burdsal, Jr., late of Captain McClain's Independent Battery, Colorado Volunteer Light Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Alice A. Minick, widow of John S. Minick, late of Company D, Fifth Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Adah I. Tomlinson, widow of Robert W. Tomlinson, late of Company D, One hundred and eleventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary A. Watkins, widow of Oliver M. Watkins, late of Company G, One hundred and thirty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Maria Forstmeier, widow of Emil Forstmeier, late assistant surgeon, Thirty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth Thoman, widow of Louis Thoman, late of Company H, Thirtieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Dora Brückner, widow of Richard Brückner, late of Company G, Thirty-ninth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Agness N. Aldridge, widow of William T. Aldridge, late of Company E, Eighth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Risby J. McLaughlin, widow of William D. McLaughlin, late of Company B, Thirty-third Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sadie A. Nolf, widow of David H. Nolf, late of Company C, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lucy J. Popejoy, widow of John S. Popejoy, late of Companies A and H, Twenty-fourth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary M. Oody, widow of John Oody, late of Company C, First Regiment United States Infantry, and pay her a pension at the rate of \$30 per month.

The name of Sarah Andrews, helpless and dependent daughter of Joseph M. Andrews, late of Company C, Second Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The name of Mary Ann Rogers, widow of Henry H. Rogers, late of Company C, Eighth Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary E. Armstrong, widow of John W. Armstrong, late of Company B, Sixth Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary Collins, widow of Thomas L. Collins, late of Company F, Tenth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary J. Fisher, widow of William F. Fisher, late of Company M, Thirteenth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Clara Nichols, helpless and dependent daughter of John Nichols, late of Company A, Sixty-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The name of John E. Markley, late of Company E, Sixty-eighth Regiment Pennsylvania Volunteer Infantry, and Company K, One hundred and seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Amella Miller, widow of Emanuel Miller, late of Company K, One hundred and first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary L. Speer, former widow of Felix Obanion, late of Company A, Sixteenth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Margaret A. Parks, widow of Henry F. Parks, late of Company E, Fourth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Maggie Garner, widow of Joseph Garner, late of Company B, Thirty-eighth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Jennie Dickinson, helpless and dependent daughter of James D. Dickinson, late of Company D, Seventeenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Mary D. Fisk, widow of Archie C. Fisk, late captain and assistant adjutant general, United States Volunteers, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Michael Bibus, late of Captain Houck's artillery company, Sixty-fifth Regiment New York National Guards, and Company C, Eleventh Regiment United States Volunteer Infantry, and pay him a pension at the rate of \$24 per month.

The name of Phoebe S. Deardourff, widow of John Deardourff, late of Company C, Fiftieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary J. Coburn, widow of David J. Coburn, late of Company B, Eleventh Regiment Ohio Volunteer Infantry, and Company E, Tenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Emma J. Pemble, former widow of George W. Brush, late of Company D, One hundred and fifteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Horace G. Sherman, helpless and dependent son of Leroy Sherman, late of Company H, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$20 per month.

The name of Phebe Goldsberry, widow of John V. Goldsberry, late of Company B, One hundred and sixteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lydia L. Willcox, widow of Cyrenus A. Willcox, late of Company B, Ninety-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Nancy I. Martin, widow of Ezekiel Martin, late of Company E, Seventy-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Maria Bliss, widow of Samuel Bliss, late of Company C, Second Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Nancy Beverage, widow of Rufus M. Beverage, late of Company A, Sixty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Laura E. Reynolds, widow of John Reynolds, late of Company I, Ninety-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah A. Hudson, widow of William H. Hudson, late of Company D, Ninth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Lucinda Geary, widow of Paul Geary, late of Company A, Sixty-sixth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary A. Good, widow of John Good, late of Company H, Two hundred and third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary Oaster, widow of Peter L. Oaster, late of Company H, One hundred and sixty-fifth Regiment Pennsylvania Drafted Militia Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Jennie E. Starry, widow of Jerome B. Starry, late of Company I, One hundred and eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lydia A. Stare, widow of John A. Stare, late of Company A, One hundred and sixty-sixth Regiment Pennsylvania Drafted Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary A. Shauck, widow of Agrippa Shauck, late of Captain Luther's unassigned company, Pennsylvania Drafted Militia, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Joanna A. Lawrence, widow of George W. Lawrence, late of Company B, One hundred and thirty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sallie C. Stahl, widow of George W. Stahl, late of Company C, One hundred and thirtieth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Julia Ann Carver, widow of William G. Carver, late of Company I, Thirty-sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Mazy B. Carver, helpless and dependent daughter of said William G. and Julia Ann Carver, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Julia Ann Carver, the name of said Mazy B. Carver shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$20 per month from and after the date of death of said Julia Ann Carver.

The name of Nancy P. Andrus, widow of Orrin R. Andrus, late of Company D, Twelfth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Rose Moten, widow of Samuel Moten, late of Company C, One hundred and sixteenth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Dicie C. Alexander, helpless and dependent daughter of Franklin Alexander, late of Company F, Seventieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Mary E. Kirk, widow of William M. Kirk, late of Company E, Hickory County Battalion Missouri Home Guards, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Louisa H. Rush, widow of James Rush, alias Lawrence Routh, late of Company E, Fourth Regiment West Virginia Volunteer Cavalry, Company D, One hundred and eighty-third Regiment Ohio Volunteer Infantry, and Company D, Sixty-fourth Regiment United States Infantry, and pay her a pension at the rate of \$30 per month.

The name of Nellie J. Wyrick, widow of Henry H. Wyrick, late of Company E, One hundredth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Seward Garthwaite, helpless and dependent son of William E. Garthwaite, late of Company H, Forty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$20 per month.

The name of Julia C. Johnson, widow of Gilbert Johnson, late of Company I, Twenty-second Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mabel E. Callahan, helpless and dependent daughter of George W. Callahan, late of Company I, One hundred and thirty-eighth Regiment Pennsylvania Volunteer Infantry, and sergeant, Signal Corps, United States Army, and pay her a pension at the rate of \$20 per month.

The name of Ella Wallace, helpless and dependent daughter of John Wallace, late of Company H, Third Battalion, Sixteenth Regiment United States Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The name of Sarah V. Johnson, widow of Francis M. Johnson, late of Company B, Ninety-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary E. Marks, widow of Francis R. Marks, late of Company A, McLaughlin's squadron Ohio Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of John B. Lang, late of Company B, One hundred and fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The name of Editha F. Berry, widow of Reuben T. Berry, late of Company M, Seventh Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lydia J. Warburton, helpless and dependent daughter of John B. Warburton, late of Company E, Fifty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Belle Miffin, widow of Josiah C. Miffin, late of Company A, One hundred and thirty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary C. Marvin, widow of Charles M. Marvin, late unassigned, Third Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Susan K. Stork, widow of George N. Stork, late of Company K, Forty-ninth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Josephine A. Albee, widow of William H. Albee, late of Company I, Eighteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Martha Martin, widow of Robert Martin, late of Company G, Eighty-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Ellen E. Webb, former widow of George H. Webb, late of Company I, Thirty-first Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Eliza Bannister, widow of Martin W. Bannister, late of Company B, One hundred and forty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Laura Nonemaker, widow of William Y. Nonemaker, late of Company K, One hundred and sixty-sixth Regiment Pennsylvania Drafted Militia Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sophia Hoffman, widow of David Hoffman, late of Company D, One hundred and third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary E. Muzzy, widow of Harrison C. Muzzy, late of Company H, One hundred and forty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Martha J. Keeler, widow of Orlando D. Keeler, late of Company G, Eighty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth Wilder, widow of J. Prescott Wilder, late of Seventh Battery Massachusetts Light Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Eliza A. Frost, widow of Nathaniel E. Frost, late of Company A, One hundred and thirty-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Emily F. Du Bois, widow of Daniel Du Bois, late of Company L, Second Regiment Missouri Volunteer Cavalry, and pay

her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Emogene Warden, widow of Nathan C. Warden, late of Company C, One hundred and twenty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Gertrude Rank, widow of Adam Rank, late of Company H, Forty-eighth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Susanna Cutshaw, widow of William Cutshaw, late of Company A, Twenty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Etta Vanzant, widow of George W. Vanzant, late of Company G, First Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Lucinda B. Burbridge, widow of Ignatius C. Burbridge, late of Company A, Tenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Charles R. Booth, helpless and dependent son of Edward Booth, late of Company K, One hundred and fourteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$20 per month.

The name of Susan A. Kuhn, helpless and dependent daughter of Andrew L. Kuhn, late of Company F, One hundred and seventy-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Synethia Freeman, widow of Seth Freeman, late of Company C, Second Regiment North Carolina Mounted Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sallie Garland, helpless and dependent daughter of John P. Garland, late of Company E, Third Regiment North Carolina Mounted Infantry, and pay her a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Mary E. Harris, widow of Henry W. Harris, late of Company H, Fourth Regiment Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of \$30 per month.

The name of Arophine C. Knox, widow of John R. Knox, late of Company A, Eighth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of \$50 per month through a legally appointed guardian in lieu of that she is now receiving.

The name of Helen Underwood, widow of Lloyd Underwood, late of Company C, Thirty-third Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Nancy A. Stewart, widow of Thomas Stewart, late of Company B, First Regiment Arkansas Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary E. Allen, widow of John Allen, late of Company I, One hundred and seventy-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Jerry Allen, helpless and dependent son of said John and Mary E. Allen, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Mary E. Allen, the name of said Jerry Allen shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$20 per month from and after the date of death of said Mary E. Allen.

The name of Anna E. Brewster, widow of Elias Brewster, late of Company K, First Regiment Maine Volunteer Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary L. Peck, widow of James S. Peck, late of Company G, One hundred and forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Nannie E. Bowman, former widow of David Mehaffy, late of Independent Battery B, Pennsylvania Light Artillery, and pay her a pension at the rate of \$30 per month.

The name of Matilda J. Adams, widow of Andrew J. Adams, late of Company B, Seventh Regiment Indiana Volunteer Infantry, and Company H, Ninety-ninth Regiment Indiana Volunteer Infantry, and Company K, One hundred and thirty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Christina Muller, widow of John Muller, late of Companies G and C, Sixty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ann Boggs, widow of Oliver P. Boggs, late of Company B, Seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary M. Eaton, widow of Ivers W. Eaton, late of Company I, Twenty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah E. Miller, widow of Mathew Miller, late of Company F, Forty-eighth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Agnes Jones, widow of Phineas Jones, late of Company C, Second Regiment Nebraska Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Nancy Reedy, widow of George W. Reedy, late of Company E, Thirteenth Regiment Kansas Volunteer Infantry, and Company B, First Battalion, Kansas Veteran Mounted Infantry, and pay her a pension at the rate of \$30 per month.

The name of Margaret Palmer, widow of William W. Palmer, late of Company D, Twelfth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Adaline Macaw, widow of William Macaw, alias Magraw, alias William McGraw, late of Company G, Eighth Regiment Illinois Volunteer Cavalry, Company G, Seventy-sixth Regiment, and Company A, Ninety-sixth Regiment, Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Emily Ray, widow of Wesley Ray, late of Company K, Eighteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Della Bertrand, widow of Isaac C. Bertrand, late of Company D, Seventh Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Inez L. Hoxsie, helpless and dependent daughter of Christopher J. Hoxsie, late of Company A, First Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Caroline Cox, widow of Edward Cox, late of First Independent Battery, Wisconsin Volunteer Light Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Adam L. Foley, helpless and dependent son of Thomas Foley, late of Company A, Seventeenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$20 per month through a legally appointed guardian in lieu of that he is now receiving.

The name of Dessie M. Johnson, widow of Edmund Johnson, late of Company D, One hundred and forty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary E. Croshier, widow of Isaac A. Croshier, late of Company B, One hundred and fiftieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Emma L. Jesser, former widow of John J. Davy, late of Company A, Second Regiment New York Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Annie N. Fitzpatrick, widow of Michael Fitzpatrick, late of Company A, One hundred and fiftieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary A. Corwin, widow of George W. Corwin, late of Company B, One hundred and fiftieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth L. Conklin, widow of John H. Conklin, late of Company A, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary E. Carpenter, widow of Albert R. Carpenter, late of Company E, Seventy-first Regiment New York State Militia Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Christofa Preston, widow of William T. Preston, late of Company K, Twentieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Sarah J. Garthwait, widow of Oliver C. Garthwait, late of Company D, Forty-ninth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary J. Zimmerman, known as Mary J. Zimmerman, widow of Jacob Zimmerman, late of Company D, Forty-fourth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary A. Fuller, widow of Marshall C. Fuller, late of Company I, Sixteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary E. Nutting, widow of Daniel W. Nutting, late of Company I, Sixth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary E. Adams, widow of Thomas H. Adams, late of Company I, United States Voltigeurs, and Company K, Seventh Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Mary Janes, widow of Thomas Janes, late of Company I, Sixty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth A. Russell, widow of Charles L. Russell, late of Company I, One hundred and fourteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Martha E. Moore, widow of Robert Moore, late of Company A, Fourth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Kate A. Fowler, widow of Lewis Fowler, alias Lewis Winslow, late of Company E, Third Regiment Massachusetts Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ellen M. Brown, widow of Uriah P. Brown, late of Company K, Forty-sixth Regiment Massachusetts Militia Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Augusta Mattimore, helpless and dependent daughter of Barney B. Mattimore, late of Company I, Sixth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The name of Mary L. Reither, widow of John T. Reither, late of Company A, One hundredth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Isabell Congo, widow of Charles Congo, late of Company H, Third Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Harriet Donohue, widow of Reuben S. Donohue, late of Company C, Ninth Regiment, West Virginia Volunteer Infantry, and Company C, First Regiment West Virginia Veteran Infantry, and pay her a pension at the rate of \$30 per month.

The name of Celia Ann Powell, widow of Ambrose C. Powell, late of Company A, Second Regiment Florida Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Oliver H. Callam, helpless and dependent son of Augustus Callam, late of Company E, Ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$20 per month.

The name of Julia H. Platt, widow of George A. Platt, late of Company D, One hundred and forty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Polly Saylor, widow of Samuel Saylor, late of Company E, Forty-ninth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Addie Allen, widow of William Allen, late of Company F, One hundred and fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary E. R. Simmermaker, widow of Phillip Simmermaker, late of Company C, Thirty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Rutha M. E. Standage, widow of William W. Standage, late of Company I, Fourteenth Regiment Illinois Volunteer Infantry, and Company G, One hundred and forty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Francis Back, former widow of John Fehr, late of Company B, First Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Martha L. Jackson, widow of Sylvador Jackson, late special agent and acting provost marshal, thirteenth Ohio district, and pay her a pension at the rate of \$30 per month.

The name of Isabell A. Hult, widow of William A. Hult, late of Company A, Sixty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary E. Piper, widow of Henry B. Piper, late of Company E, Eleventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Amanda Toot, widow of William Toot, late of Company F, One hundred and sixty-fifth Regiment Pennsylvania Drafted Militia Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary L. Koch, widow of George Koch, late of Company A, Eighty-seventh Regiment Pennsylvania Volunteer Infantry,

and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah A. Snyder, widow of William Snyder, late of Company B, Two hundred and ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Emaline Sloat, widow of Frederick Sloat, late of Company G, Two hundredth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Louisa Stough, widow of Adam F. Stough, late of Company H, Two hundredth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary A. Snyder, widow of Christian H. Snyder, late of Company E, One hundred and ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of William M. Snyder, helpless and dependent son of said Christian H. and Mary A. Snyder, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Mary A. Snyder the name of said William M. Snyder shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$20 per month from and after the date of death of said Mary A. Snyder.

The name of Rose Wernig, helpless and dependent daughter of John P. Wernig, alias Werrick, late of Company K, One hundred and sixty-sixth Regiment Pennsylvania Drafted Militia Infantry, and pay her a pension at the rate of \$20 per month through a legally appointed guardian.

The name of John E. T. Ward, helpless and dependent son of Ezra McD. Ward, late of Company D, Second Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Mary D. Walls, former widow of Robert A. Patterson, late of Company C, Eleventh Regiment Tennessee Cavalry, and Company I, Ninth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

This bill is a substitute for the following House bills referred to Committee on Invalid Pensions:

H. R. 504. Mary F. Randall.	H. R. 845. Laura I. Washburn.
H. R. 505. Sarah C. Webb.	H. R. 847. Lucinda M. Irish.
H. R. 508. Mary Cole.	H. R. 848. Lizzie E. Streeter.
H. R. 513. Mary A. Patton.	H. R. 849. Maggie L. Cray.
H. R. 514. Maude E. Riggs.	H. R. 850. Helen F. Miller.
H. R. 516. Susan F. Rutherford.	H. R. 851. Emma F. Niles.
H. R. 526. Viola H. Pugh.	H. R. 852. Azzaline M. Bogle.
H. R. 527. Bethena Starkey.	H. R. 853. Josephine H. Green.
H. R. 528. Harriet E. Tally.	H. R. 854. Abbie J. Pierson.
H. R. 529. Sarah C. Peterson.	H. R. 855. Emma L. Knapp.
H. R. 544. Mariam Breeze.	H. R. 856. Elmina H. Streeter.
H. R. 547. Ann M. Barker.	H. R. 857. Charlotte M. Combs.
H. R. 552. Anna E. Crawford.	H. R. 858. Mary H. Hight.
H. R. 553. Rachel A. Dennis.	H. R. 859. Jane L. McNichols.
H. R. 554. Helen M. Farley.	H. R. 877. Louisa W. Kohser.
H. R. 555. Mary J. Hedinger.	H. R. 879. Emily J. Hormel.
H. R. 559. Gideon C. Lewis.	H. R. 888. Susan E. Darrrough.
H. R. 563. Mary N. Moody.	H. R. 889. Frederick O. Overlock.
H. R. 566. Abbie Osborn.	H. R. 896. Charles E. Campbell,
H. R. 568. Jennie Pratt.	alias Eben Campbell.
H. R. 584. Maria Vartanian.	H. R. 897. Mary E. Sherbondy.
H. R. 593. Mary Fitchett.	H. R. 906. Angeline Stuck.
H. R. 620. Harriet G. Albro.	H. R. 907. Lodemia Speelman.
H. R. 621. Caroline McGough.	H. R. 908. John A. Swarts.
H. R. 622. Eleanor E. Seymour.	H. R. 913. Margaret J. Johnson.
H. R. 624. Mary A. Winsor.	H. R. 917. Adaline E. Robbins.
H. R. 635. Mary Bennett.	H. R. 918. Elizabeth R. Noll.
H. R. 646. Nelle L. Grady.	H. R. 919. Alice J. Stebbins.
H. R. 650. Jennie Allen.	H. R. 920. Melvina A. Horner.
H. R. 651. Frances McAnany.	H. R. 921. Mary Jane Bates.
H. R. 663. Jessie E. Diggery.	H. R. 922. Evalene M. Davidson.
H. R. 683. Sarah E. Compton.	H. R. 926. Elizabeth Nye.
H. R. 684. Minnie Dawson.	H. R. 931. Emma J. Whipple.
H. R. 685. Mary C. Simmons.	H. R. 932. Katharine Whitaker.
H. R. 686. Harriet Vosburg.	H. R. 937. Sarah Blodgett.
H. R. 688. Levina Lebert.	H. R. 940. Dorcas Quigley.
H. R. 689. Emma Justice.	H. R. 952. Ida Wilkinson.
H. R. 690. Mattie Hepler.	H. R. 955. Emma C. Alton.
H. R. 692. Magdalena Wilber.	H. R. 963. Sallie E. Copeland.
H. R. 710. Nancy Stanton.	H. R. 966. Ruth B. Adamson.
H. R. 716. Annie M. Heckaman.	H. R. 967. Priscilla A. Atwood.
H. R. 745. Annie Johnson.	H. R. 968. Sarah E. Beatty.
H. R. 763. Herman Wagner, alias	H. R. 971. Sarah L. Darr.
Henry Burnett.	H. R. 973. Lizzie J. Fagin.
H. R. 767. Christina Maxworthy.	H. R. 974. Anne L. Fomorin.
H. R. 768. Cora Ford.	H. R. 975. Maggie Flora.
H. R. 769. Charles B. Gillam.	H. R. 979. Rebecca A. Kidd.
H. R. 773. Caroline C. Bower.	H. R. 980. Mary H. Kline.
H. R. 774. Nellie Chalmers.	H. R. 982. Anna McCann.
H. R. 775. Mary E. Cummins.	H. R. 983. Clarinda Moore.
H. R. 776. Kate Payler.	H. R. 984. Anna E. Reeves.
H. R. 777. Lucella M. Strunk.	H. R. 987. Margaret A. Taylor.
H. R. 778. Mildred Renwick.	H. R. 988. Mary A. Taylor.
H. R. 793. Henry P. Hull.	H. R. 989. Jennie S. Titus.
H. R. 796. Richard King.	H. R. 990. Lucinda D. Woods.
H. R. 822. Arthur S. Belcher, alias	H. R. 993. Harriet Beisel.
William Prescott.	H. R. 1000. Anna B. Eicher.
H. R. 844. Emily H. Barden.	H. R. 1003. Virginia A. Harris.

- H. R. 1004. Emma Hayden.
H. R. 1011. Eunice A. Myers.
H. R. 1025. Eliza J. Welmer.
H. R. 1026. Sarah E. Wilderman.
H. R. 1027. Rachel Wood.
H. R. 1044. Harriet M. Hoover.
H. R. 1046. Susan Kemberlin.
H. R. 1046. Mary J. Chisholm.
H. R. 1047. Martha Cox.
H. R. 1055. Euphemia Brady.
H. R. 1060. Adaline M. Shaub.
H. R. 1064. Louise Hatch.
H. R. 1074. Ida M. Ullne.
H. R. 1075. Carrie S. Baxter.
H. R. 1076. William J. Finley.
H. R. 1079. Mary L. Kinsey.
H. R. 1080. Jessie F. Loughridge.
H. R. 1082. William W. Shock.
H. R. 1111. Hester R. Michael.
H. R. 1112. Edwina B. Kemp.
H. R. 1114. Margaret E. Haviland.
H. R. 1115. Mary J. Clark.
H. R. 1119. John B. Blouse.
H. R. 1120. Eliza J. Blouse.
H. R. 1124. Katherine White.
H. R. 1127. Carrie E. Miett.
H. R. 1146. Nellie B. Ainsworth.
H. R. 1148. Mary L. Harvey.
H. R. 1159. Mary Bershig.
H. R. 1176. Blanche J. Barnard.
H. R. 1177. Sophia J. Bartram.
H. R. 1178. Ellen E. Bechtel.
H. R. 1179. Mary Eliza Brewster.
H. R. 1182. Della A. Castle.
H. R. 1183. Mary E. Clark.
H. R. 1184. Julia E. Cook.
H. R. 1185. Annie D. Delavan.
H. R. 1186. Ellen W. Gregory.
H. R. 1187. Elnora S. Halligan.
H. R. 1188. Emma L. Jimmerson.
H. R. 1189. Jane Johnson.
H. R. 1190. Jennie Meyer.
H. R. 1191. Lida M. Osborn.
H. R. 1192. Mary E. Read.
H. R. 1194. Louisa D. Smith.
H. R. 1209. Thirza C. Gifford.
H. R. 1224. Lucy M. Walker.
H. R. 1225. John Wilkinson.
H. R. 1319. Marv V. Rankins.
H. R. 1320. Deborah A. Baker.
H. R. 1325. Anna Smith.
H. R. 1327. James O. Dunnagan,
alias William Parker.

H. R. 1337. Lora M. Brewer.
H. R. 1342. Eunice Ellis.
H. R. 1345. Charles S. Francis.
H. R. 1347. Caroline W. Hershberger.

H. R. 1348. Savannah Huffmire.
H. R. 1351. Martha Johnson.
H. R. 1352. Albert M. Kirby.
H. R. 1355. Mary E. McKinkins.
H. R. 1357. Lucinda E. Miller.
H. R. 1360. Elizabeth B. Painter.
H. R. 1361. Mary A. Rodgers.
H. R. 1362. Phoebe A. Ross.
H. R. 1363. Rebecca Scott.
H. R. 1364. Isabel Shurr.
H. R. 1366. Kexia Tiller.
H. R. 1372. Amelia A. Wood.
H. R. 1374. Eliza A. Holtz.
H. R. 1375. Ann Eliza Pike.
H. R. 1383. John Nidey.
H. R. 1404. Mary J. Hodgkins.
H. R. 1405. Adaline R. Springer.
H. R. 1406. Susan O. Jellison.
H. R. 1410. Anna L. Adama.
H. R. 1411. Mary J. Alton.
H. R. 1412. John V. Evans.
H. R. 1413. Ellen Lessing.
H. R. 1414. Lettie Painter.
H. R. 1417. Nancy C. Jones.
H. R. 1418. Almira E. McCarron.
H. R. 1419. Lucinda E. Spillman.
H. R. 1424. Mary H. Wilcox.
H. R. 1426. Mary Elizabeth Weller.
H. R. 1427. Mella A. Parker.
H. R. 1429. Adaline Minsing.
H. R. 1432. Mary L. Glidden.
H. R. 1435. David S. Barnhart.
H. R. 1438. Mary M. Town.
H. R. 1443. Frances Blakeley.
H. R. 1444. Serena Bean.
H. R. 1446. Helena Dearborn.
H. R. 1447. Margaret Force.
H. R. 1448. Emily J. Foust.
H. R. 1449. Mary E. Gray.
H. R. 1450. S. Celestia Hunt.
H. R. 1453. Caroline I. Minneley.
H. R. 1454. Adelle Parker.
H. R. 1456. Elizabeth W. Smith.
H. R. 1469. Jennie C. Gorton.
H. R. 1470. Lewis M. Kuhns.
H. R. 1472. Maria L. Stewart.
H. R. 1475. Margaret M. Altman.
H. R. 1479. Hannah J. Kerr.
H. R. 1483. Margaret C. Wile.
H. R. 1490. Catherine F. Edsall.
H. R. 1531. Jennie O'Donahue.
H. R. 1532. Margaret J. Relyea.
H. R. 1545. Tina C. Baker.
H. R. 1555. Laura C. Crawford.
H. R. 1570. Elizabeth S. Jones.
H. R. 1585. Sarah A. Chadwick.
H. R. 1587. Dora K. Flaherty.

H. R. 1589. Katherine L. R. Parker.
H. R. 1609. Mary L. Daniels.
H. R. 1610. Margaret S. Morrall.
H. R. 1613. Maria E. Ross.
H. R. 1617. Harriet C. Bristol.
H. R. 1618. Julia F. Browning.
H. R. 1619. Rose E. Cain.
H. R. 1620. Anna Crosby.
H. R. 1621. Hittie Davis.
H. R. 1622. Mary C. Dooley.
H. R. 1623. Victoria M. Dean.
H. R. 1624. Mary A. Fife.
H. R. 1625. Alice Fern.
H. R. 1626. Rose A. Ferguson.
H. R. 1628. Mary Gorman.
H. R. 1629. Philippine Hatzler.
H. R. 1633. Ellen Manix.
H. R. 1634. Josephine McDonald.
H. R. 1635. Jennie Miller.
H. R. 1637. Alice L. Pond.
H. R. 1668. Mary E. Rittenhouse.
H. R. 1670. Amy A. Purdy.
H. R. 1671. Harry E. Galusha.
H. R. 1675. Kate H. Garvin.
H. R. 1677. Elizabeth Lambert.
H. R. 1678. Emma S. Gray.
H. R. 1680. Virginia S. Lewis.
H. R. 1700. Susan McDonald.
H. R. 1701. Elizabeth Jamison.
H. R. 1706. Nancy J. Sheay.
H. R. 1707. Mary E. Martin.
H. R. 1708. Eva Briggs.
H. R. 1714. Rose McKenzie.
H. R. 1715. William R. Plessner.
H. R. 1716. Vernie Pope.
H. R. 1732. Martha Wilcox.
H. R. 1734. Emily Brune.
H. R. 1737. Oliver Ellis.
H. R. 1740. Jennie Wagner.
H. R. 1744. Eliza Price.
H. R. 1746. Ellen Williams.
H. R. 1747. Emma J. Frogg, now
Burke.

H. R. 1749. Laura J. Hicks.
H. R. 1750. Frances Miller.
H. R. 1751. Elizabeth Bradford.
H. R. 1760. Sarah J. Sherman.
H. R. 1761. Gesina Schell.
H. R. 1764. Jane Langerak.
H. R. 1766. Jane Garrett.
H. R. 1767. Elizabeth A. Guild.
H. R. 1774. Sarah J. West.
H. R. 1775. Julia A. Woodard.
H. R. 1776. Mary Hague.
H. R. 1779. Nellie R. Brackett.
H. R. 1785. Ellen Carr.
H. R. 1791. Margaret J. Hambaugh.
H. R. 1792. Louisa J. Honaker.
H. R. 1795. Martha M. Lane.
H. R. 1796. Clara A. Loomis.
H. R. 1797. Mary E. Lowe.
H. R. 1799. Julia Moomaw.
H. R. 1806. Emsey O. Young.
H. R. 1814. Lidda J. Clark.
H. R. 1819. Sarah J. Wickham.
H. R. 1820. Amanda M. Armstrong.
H. R. 1821. Sarah M. Boyle.
H. R. 1824. Rebecca Odell.
H. R. 1837. Harriet D. Waterson.
H. R. 1838. Anna J. Manuel.
H. R. 1839. Polly F. Gould.
H. R. 1853. Henrietta Pabst, now
Harenberg.

H. R. 1854. Patience A. Karnes.
H. R. 1855. Hattie Geske.
H. R. 1856. Lillie Geske.
H. R. 1860. Julia Beckley.
H. R. 1863. Elizabeth Stedman.
H. R. 1866. Nancy O. Vale.
H. R. 1872. Elizabeth Pugh.
H. R. 1873. Marinda Smith.
H. R. 1874. Sheridan McDaniel.
H. R. 1880. Mary R. Hamilton.
H. R. 1888. Elizabeth Snyder.
H. R. 1908. Julian Embick.
H. R. 1919. Jane E. Burwell.
H. R. 1925. Margaret Beck.
H. R. 1926. Frances M. Loper.
H. R. 1928. Julia M. Murphy.
H. R. 1929. Nellie Troost.
H. R. 1940. Elizabeth Siegler.
H. R. 1956. Sarah F. Spencer.
H. R. 1958. Priscilla Chandler.
H. R. 1968. Alice Cox.
H. R. 1969. Maria Crowl.
H. R. 1976. Bridget Mathews.
H. R. 1988. Margaret Y. Teters.
H. R. 1990. Elizabeth Gille.
H. R. 1991. Edith M. Wyatt.
H. R. 1992. Grace E. Moore.
H. R. 1993. Catherine Davis.
H. R. 1994. Cora O. Russell.
H. R. 1998. Virginia Hubley.
H. R. 1999. May Pennington.
H. R. 2025. Martha Burdett.
H. R. 2026. Elizabeth Vanfosson.
H. R. 2027. Margaret R. McClanahan, now Humphrey.

H. R. 2028. Mary E. Deselms.
H. R. 2029. Louisa Whiteleather.
H. R. 2030. Anna F. Ault.
H. R. 2031. Flora A. Fuller.
H. R. 2032. Margaret J. Coss.
H. R. 2033. Ada M. Buffington.
H. R. 2034. Elizabeth Olmstead.

H. R. 2035. Ellen Stewart.
H. R. 2036. Mary D. Wirebaugh.
H. R. 2037. Maggie Fetterman.
H. R. 2039. Elizabeth May.
H. R. 2056. Polly Couch.
H. R. 2057. Arena Smith.
H. R. 2058. Lizzie McDaniel.
H. R. 2067. Cynthia Smallwood.
H. R. 2070. Sarah Mobley.
H. R. 2071. Nancy C. Patrick.
H. R. 2072. Laura C. York.
H. R. 2073. Nancy Lankford.
H. R. 2074. Mary Powell.
H. R. 2079. Elizabeth J. White.
H. R. 2080. Clementine Williams.
H. R. 2117. Mary E. Wakefield.
H. R. 2118. Electa Bellen.
H. R. 2119. Lois L. Dugan.
H. R. 2120. Mary Campbell.
H. R. 2121. Mary M. Flies.
H. R. 2122. Mary Longto.
H. R. 2123. Alma C. Hill.
H. R. 2124. Mary E. Giffin.
H. R. 2125. Ellen Jane Putraw.
H. R. 2126. James McDonald.
H. R. 2128. Orrilla Smith.
H. R. 2129. Ida V. Forbes.
H. R. 2130. Henrietta Bowker.
H. R. 2131. Harriet A. Holmes.
H. R. 2132. Julia Laroue.
H. R. 2133. Addie Gratton.
H. R. 2134. Cecil C. Cardinal.
H. R. 2135. Margaret Richards.
H. R. 2143. Margaret E. Reisch.
H. R. 2146. Lizzie J. Yeagley.
H. R. 2147. Rachel A. Woggerman.
H. R. 2149. Franc Murray.
H. R. 2157. Mary A. Radney.
H. R. 2167. William H. McIntosh.
H. R. 2168. Anna K. Warren.
H. R. 2177. Alexander Sweeney.
H. R. 2178. Mary A. Thompson.
H. R. 2179. Martha Stadler.
H. R. 2180. Katherine Kraft.
H. R. 2181. Rebecca Pedrick.
H. R. 2192. George O. Flowers.
H. R. 2193. Nancy E. Hammon.
H. R. 2194. Mary J. Miller.
H. R. 2195. Elizabeth Downs.
H. R. 2196. Priscilla Boyer.
H. R. 2199. Maria Van Orman.
H. R. 2200. Elizabeth Shaver.
H. R. 2213. Indiana Grant.
H. R. 2214. Mary A. Redd.
H. R. 2218. Mary A. Crane.
H. R. 2221. Elizabeth Oswald.
H. R. 2222. Orrel Tucker.
H. R. 2224. Jennie Hall.
H. R. 2242. Julia B. Jones.
H. R. 2245. Martin Flint.
H. R. 2247. William H. Johnston.
H. R. 2261. Martha L. H. Shoemaker.

H. R. 2262. Mary Smith.
H. R. 2263. Amanda Tyner.
H. R. 2276. Harriet N. Jones.
H. R. 2278. Malinda J. Miller.
H. R. 2279. Edith Heu-de-Bourck.
H. R. 2284. Priscilla De Witt.
H. R. 2285. Elizabeth A. Line.
H. R. 2286. Madlum Mulledge.
H. R. 2290. Mary Emily Stansberry.
H. R. 2291. Nancy J. Ross.
H. R. 2294. Lydia G. Read.
H. R. 2295. Clara Harlan.
H. R. 2297. Sarah J. Gray.
H. R. 2299. Aleda Cobb.
H. R. 2340. Lena Thackeray.
H. R. 2344. Laura R. Cummings.
H. R. 2382. Josie Hicks.
H. R. 2399. Elizabeth A. Norman.
H. R. 2404. Effie Overton.
H. R. 2411. Jane Prather.
H. R. 2412. Benjamin F. Ewing.
H. R. 2414. Sallie Gearhart.
H. R. 2418. Annie L. Durham.
H. R. 2419. Thomas C. Jones.
H. R. 2423. Catherine Bridgford.
H. R. 2424. Sarah F. Vier.
H. R. 2426. Sarah L. Hogle.
H. R. 2427. Lucilla B. Lobdell.
H. R. 2431. Annie E. Allen.
H. R. 2434. Julia A. Duell.
H. R. 2436. Sarah Capron.
H. R. 2437. Mary Ann Bain.
H. R. 2438. Lydia F. Barkley.
H. R. 2439. Julia D. Gould.
H. R. 2440. Nannie E. Ladd.
H. R. 2441. Julia L. Hawkins.
H. R. 2445. Christella B. Lawrence.
H. R. 2466. Susan B. Allen.
H. R. 2467. Martha A. Bechtel.
H. R. 2470. Annie Ireland.
H. R. 2472. Sarah E. Patterson.
H. R. 2475. Margaret C. Todd.
H. R. 2477. Susanna D. Tyler.
H. R. 2480. Clara E. Seaton.
H. R. 2481. Margaret A. Robinson.
H. R. 2485. Mary Weller.
H. R. 2486. Victor Clark.
H. R. 2489. Rachel Peace.
H. R. 2496. Amelia Harvey.
H. R. 2497. Hattie E. Harvey.
H. R. 2498. Eva B. Lynch.

H. R. 2499. Alice May.
H. R. 2500. Agnes Prescho.
H. R. 2501. Sate L. Retan.
H. R. 2502. Lydia H. Squires.
H. R. 2504. Margaret C. Westbrook.
H. R. 2516. Ursula Lamphier.
H. R. 2529. Mary J. Vail.
H. R. 2541. Henrietta Grubb.
H. R. 2543. Nancy E. Heller.
H. R. 2544. Elizabeth Brillhart.
H. R. 2546. Lucy Lamb.
H. R. 2547. Ellen M. Brown.
H. R. 2580. Phebe A. Rice.
H. R. 2582. Alphald E. Park.
H. R. 2593. Prudence E. Bair.
H. R. 2595. Phoebe E. Betts.
H. R. 2597. Nancy M. Burroughs.
H. R. 2598. Millie Burton.
H. R. 2600. Elevesta E. Carper.
H. R. 2603. Emma J. Dunn.
H. R. 2607. Addie M. Jackson.
H. R. 2609. Mell A. Jones.
H. R. 2611. Katie Krieger.
H. R. 2613. Pauline Lieball.
H. R. 2617. Sarah A. Nighswander.
H. R. 2618. Adaline Norton.
H. R. 2619. Flora A. Overmire.
H. R. 2622. Mary A. Schwab.
H. R. 2626. Elizabeth Stowe.
H. R. 2627. Clara R. Stutsman.
H. R. 2628. Mary E. Wentz.
H. R. 2648. Olive A. B. McLaughlin.
H. R. 2667. Edward Jones.
H. R. 2678. Lydia A. Lawrence.
H. R. 2681. Lucy R. Robertson.
H. R. 2701. Anne Davis.
H. R. 2735. Cordella Kite.
H. R. 2739. Mary Allen.
H. R. 2740. Sallie Cope.
H. R. 2742. William Woodby.
H. R. 2746. Susan A. Stout.
H. R. 2757. Lena Campbell.
H. R. 2758. Edith L. Howland.
H. R. 2759. Mary C. Sanders.
H. R. 2767. Sadie Humphrey.
H. R. 2798. Mae L. Cornell.
H. R. 2799. Thomas Sims.
H. R. 2801. Lillian Skidmore.
H. R. 2804. Ellen Buckley.
H. R. 2814. Zilpha J. Rowe.
H. R. 2816. Cora E. Farrar.
H. R. 2819. Ida F. Knight.
H. R. 2833. Alice J. Selby.
H. R. 2842. Georgia A. Godwin.
H. R. 2868. Sallie A. Palmore.
H. R. 2871. Mary E. Scudder.
H. R. 2873. Anna C. Tonnemacher.
H. R. 2876. Mary Marker.
H. R. 2880. Susan Hall.
H. R. 2896. Hattie L. Cantwell.
H. R. 2900. Sarah J. Mersereau.
H. R. 2910. Maria H. Kame.
H. R. 2911. Sarah E. Keefer.
H. R. 2917. Julia A. Springer.
H. R. 2919. Mary A. Zimmerman.
H. R. 2920. Elizabeth J. Barton.
H. R. 2921. Julia Miller.
H. R. 2922. Mary L. Hershberger.
H. R. 2924. R. Elvina McDonald.
H. R. 2939. Julia A. Cameron.
H. R. 2942. Hannah Spring.
H. R. 2943. Rebecca J. Crist.
H. R. 2944. Amelia Viets.
H. R. 2965. Nancy A. McKinzie.
H. R. 2966. Cora Hubbard.
H. R. 2980. Mary J. Smith.
H. R. 2983. Louisa Fitzsimmons.
H. R. 3007. Elizabeth J. Hibler.
H. R. 3010. Marion Lee.
H. R. 3018. Rebecca Backman.
H. R. 3043. Minervie Thralls.
H. R. 3049. William Reynolds.
H. R. 3050. James R. Maston.
H. R. 3051. Mary E. Lofton.
H. R. 3053. Louisa M. Johnson.
H. R. 3056. Angelina Hollowell.
H. R. 3058. Adaline E. Fetz.
H. R. 3059. Sarah F. Esarey.
H. R. 3060. Harriet A. Craig.
H. R. 3074. Emma E. Blake.
H. R. 3075. Harriet A. Daniels.
H. R. 3076. Genevria Hatheway.
H. R. 3084. Sarah Ladson.
H. R. 3085. Hattie Johnson.
H. R. 3087. Eliza C. Clark.
H. R. 3089. Rachel L. Spencer.
H. R. 3090. Lewis C. Jones.
H. R. 3091. Martha J. Lawyer.
H. R. 3092. George Taylor.
H. R. 3094. James H. Beaman.
H. R. 3112. Samuel R. Proud.
H. R. 3146. Adeline Ringelstein.
H. R. 3147. Rosanna A. Moe.
H. R. 3151. Susan B. Churchill.
H. R. 3152. Ellen Gowin.
H. R. 3153. Mary C. Gibbs.
H. R. 3158. Elizabeth Power.
H. R. 3168. Susanna E. Shannon.
H. R. 3191. Francis S. Haynes,
alias Francis S. Reedy.

H. R. 3201. Margret McCullough.
H. R. 3202. Elizabeth Keller.

- H. R. 3203. Annie Vandegrift.
H. R. 3204. Daniel W. Roberts.
H. R. 3205. William M. Silver.
H. R. 3206. Amanda Hall.
H. R. 3207. Isadora P. Roberts.
H. R. 3209. Nancy Burton.
H. R. 3210. Mary C. Hale.
H. R. 3212. Sarah J. Alderson.
H. R. 3213. Susan G. Caplinger.
H. R. 3214. Francis C. Evans.
H. R. 3215. Frederick Robb.
H. R. 3216. Daniel Ransdale.
H. R. 3217. Sarah Fisher.
H. R. 3218. Eunice C. Dearing.
H. R. 3232. Eliza J. Taylor.
H. R. 3234. Mary E. Nixon.
H. R. 3235. Julia A. McCabe.
H. R. 3236. Hattie A. Frazier.
H. R. 3238. Jane Grant.
H. R. 3275. Alice E. Deltrick.
H. R. 3299. Sarah B. Davenport.
H. R. 3300. Loucinda J. Dixon.
H. R. 3302. Margaret C. Portney.
H. R. 3307. Sarah Hughes.
H. R. 3311. Frances A. Neighbors.
H. R. 3313. Martha H. Nunn.
H. R. 3314. Rebecca Pardue.
H. R. 3315. Francis Payne.
H. R. 3368. Rachel E. Diehl.
H. R. 3384. Virginia Griffith.
H. R. 3385. Mary L. Minesinger.
H. R. 3396. Louise C. Kimberly.
H. R. 3410. Emily E. Phillips.
H. R. 3427. Nancy Morgan.
H. R. 3435. Aroline H. Atwood.
H. R. 3439. Permelia I. Winters.
H. R. 3440. Roena J. Vance.
H. R. 3442. Nora B. Hardy.
H. R. 3461. Florence A. Rathbun.
H. R. 3495. Lovisa Buckley.
H. R. 3496. Amanda Jane Chesnutt.
H. R. 3499. Nancy J. Strickland.
H. R. 3500. Annie M. Goss.
H. R. 3501. Joseph Alters, alias Joseph Alter.
H. R. 3515. Harriet J. Webber.
H. R. 3521. Patrick H. Bushnell, also known as Patrick Bushnell.
H. R. 3523. Joey T. Dibble.
H. R. 3525. Sarah L. Heintzman.
H. R. 3526. Lottie J. Heintzman.
H. R. 3531. Dorthula E. Smith.
H. R. 3542. Mary L. Young.
H. R. 3545. Carrie A. Cunningham.
H. R. 3558. Nathan W. Hamilton.
H. R. 3559. Agnes Rayburn.
H. R. 3560. Maggie Brown.
H. R. 3562. Mary D. Smith.
H. R. 3581. Theodora E. Eisenbart.
H. R. 3586. Sarah E. Madison.
H. R. 3587. Maria Sylvester.
H. R. 3588. Catherine Elchhorn.
H. R. 3589. Mary E. Buckmaster.
H. R. 3596. Sarah A. Moss.
H. R. 3616. Eva M. Fleck.
H. R. 3619. Harriett L. Steele.
H. R. 3632. Mary J. Herbert.
H. R. 3633. Mary Jackson.
H. R. 3639. Elizabeth Mills.
H. R. 3640. Mary F. King.
H. R. 3671. Mary J. Harris.
H. R. 3672. Eliza Hatten.
H. R. 3673. Nancy Jakes.
H. R. 3674. Maria Klenle.
H. R. 3675. Eliza J. Chenoweth.
H. R. 3676. Mary N. Hoagland.
H. R. 3693. Frederick Kidwiler.
H. R. 3694. Louisa C. Coleman.
H. R. 3697. James H. Osborn.
H. R. 3699. Mary A. E. Howard.
H. R. 3700. Rachel B. Platter.
H. R. 3701. Mary V. Reed.
H. R. 4107. Amanda E. Koons.
H. R. 4120. Nettie Truman.
H. R. 4146. Mary E. Behymer.
H. R. 4150. Sarah Wurtsbaugh.
H. R. 4153. Flora S. Weeks.
H. R. 4159. Anna F. Quinn.
H. R. 4163. Melissa Kitchen.
H. R. 4164. Frances M. Armstrong.
H. R. 4171. Cora E. Shomo.
H. R. 4194. Mary P. Gourlay.
H. R. 4195. Orpha H. Lawton.
H. R. 4196. Anna J. Bishop.
H. R. 4201. Henrietta D. Washburn.
H. R. 4202. Priscilla A. Fuller.
H. R. 4242. Margaret E. Wilson.
H. R. 4245. Christina E. Waitman.
H. R. 4246. Sarah I. Axline.
H. R. 4297. Cornelia Kennett.
H. R. 4310. Ida McAllister.
H. R. 4312. Emily C. Minturn.
H. R. 4313. Ellen Litzel.
H. R. 4317. Miriam C. Buck.
H. R. 4319. Sarah C. Gross.
H. R. 4329. Harriet Gale.
H. R. 4333. Martha A. Culbertson.
H. R. 4334. Nettie McDowell.
H. R. 4335. Frances E. Taylor.
H. R. 4336. Paulina Rochelle, now Paulina Whitehead.
H. R. 4337. Rilla J. White.
H. R. 4338. Minerva R. Connelly.
H. R. 4339. Elizabeth A. Brown.
H. R. 4340. Loda Shuler.
H. R. 4341. Hannah Marble.
H. R. 4342. Martha E. Whiting.
H. R. 4357. Mary A. Webber.
H. R. 4359. Maria Spencer.
H. R. 4388. Joseph Greenwood.
H. R. 4390. Laura A. Moore.
H. R. 4391. Charles H. Putnam.
H. R. 4392. Sarah F. Buck.
H. R. 4393. Clarinda A. Spear.
H. R. 4394. Mary J. Hildreth.
H. R. 4404. Josephine E. Grant.
H. R. 4405. Madora A. Lander.
H. R. 4407. Erwin C. Rose.
H. R. 4419. Rachel B. Smart.
H. R. 4422. Rebecca Powell.
H. R. 4424. Jemima Mechling.
H. R. 4426. Mollie S. Hutchinson.
H. R. 4427. Alice R. Holmes.
H. R. 4428. Sarah A. Jefferson.
H. R. 4429. Polly A. King.
H. R. 4430. Lucinda Bush.
H. R. 4551. Sarah F. Berry.
H. R. 4556. Laura V. Adams.
H. R. 4558. Marietta Bishop.
H. R. 4568. Diana M. Oakley.
H. R. 4579. Lillian B. Ramsdell.
H. R. 4607. Frances H. Underwood.
H. R. 4608. Mary E. Burrell.
H. R. 4609. Adlie Hemmings.
H. R. 4610. Elizabeth J. Chambers.
H. R. 4630. Nancy W. Fuller.
H. R. 4635. Mary L. Thompson.
H. R. 4646. Magdalene Emrich.
H. R. 4654. Emogene E. Perrin.
H. R. 4655. Margaret Ahern.
H. R. 4659. Sarah H. Luftbarry.
H. R. 4662. Mary J. Bunch.
H. R. 4680. Mary M. Oney.
H. R. 4836. Luthera Bacheider.
H. R. 4837. Esther Huntress.
H. R. 4887. Susan O. Adams.
H. R. 4888. Sophronia Burden.
H. R. 4889. Matilda J. Eubanks.
H. R. 4890. Mary A. Hatton.
H. R. 4891. Martha E. Henderson.
H. R. 4892. Mary A. Hester.
H. R. 4893. Elizabeth M. Miller.
H. R. 4894. Sarah A. Nelson.
H. R. 4895. Persiller Parmlay.
H. R. 4896. Eady Elizabeth Ripple.
H. R. 4897. Elda L. Rutherford.
H. R. 4899. Martha V. Smith.
H. R. 4951. Mary E. Walp.
H. R. 4952. Julia A. Wagner.
H. R. 4954. Martha Tuttle.
H. R. 4955. Mary Brooker.
H. R. 4956. Eliza M. Vail.
H. R. 4957. Livonia Rodgers.
H. R. 4958. Hester C. True.
H. R. 4959. Jennie Dorman.
H. R. 4960. Matilda Arnold.
H. R. 4962. Mary Wisehart.
H. R. 4969. Anna E. Wilsey.
H. R. 4970. Harriet Kingsbury.
H. R. 4971. Elizabeth L. Lloyd.
H. R. 4983. Lucinda Beck.
H. R. 5057. Caroline Riley.
H. R. 5058. Melvina D. Story.
H. R. 5129. Margaret Barton.
H. R. 5130. Mary F. Shellenberger.
H. R. 5134. Emily Plunket.
H. R. 5139. Susan M. Capehart.
H. R. 5140. Sarah E. Hamilton.
H. R. 5143. Amanda R. Frank.
H. R. 5153. Luella Sutton.
H. R. 5157. Abby E. Trussell.
H. R. 5159. S. Angelina Wheeler.
H. R. 5170. Margaret R. Skidmore.
H. R. 5273. Hannah M. Atha.
H. R. 5306. Frances A. Horr.
H. R. 5312. Mary Sutton.
H. R. 5330. Priscilla Redman.
H. R. 5344. Sarah P. Deem.
H. R. 5409. Eldora Howard.
H. R. 5410. Martha Joslin.
H. R. 5411. Elizabeth T. Douglass.
H. R. 5412. Mary A. Pemberton.
H. R. 5413. Fannie Nier.
H. R. 5414. Emily J. McGee.
H. R. 5415. Jane A. Shelton.
H. R. 5416. Anna M. Lohnes.
H. R. 5417. Lois L. Andrews.
H. R. 5466. Mary C. Gleason.
H. R. 5488. Susan V. Rogers.
H. R. 5489. Margaret F. Brunner.
H. R. 5490. Elizabeth Lilly.
H. R. 5491. Cordelia A. Wilson.
H. R. 5492. Mary Ellen Montis.
H. R. 5493. Samantha McCann.
H. R. 5494. Rebecca M. Reese.
H. R. 5495. Anne Jones.
H. R. 5498. Sarah C. Hughes.
H. R. 5497. Anna M. Smith.
H. R. 5501. Adaline McAnaney.
H. R. 5502. Margaret H. Diehl.
H. R. 5504. Annie E. Fryer.
H. R. 5505. Phedora J. Black.
H. R. 5510. Matilda Hester.
H. R. 5512. Sophia Fabr.
H. R. 5518. Sophie Atkinson.
H. R. 5597. Emma T. Ball.
H. R. 5598. Sallie Radford.
H. R. 5629. Mary M. Allison.
H. R. 5631. Frances A. Burdsal.
H. R. 5638. Alice A. Minick.
H. R. 5644. Adah I. Tomlinson.
H. R. 5646. Mary A. Watkins.
H. R. 5647. Maria Forstmeier.
H. R. 5667. Elizabeth Thoman.
H. R. 5672. Dora Bruckner.
H. R. 5674. Agness N. Aldridge.
H. R. 5737. Risby J. McLaughlin.
H. R. 5762. Sadie A. Nolf.
H. R. 5764. Lucy J. Popejoy.
H. R. 5767. Mary M. Oody.
H. R. 5774. Sarah Andrews.
H. R. 5777. Mary Ann Rogers.
H. R. 5778. Mary E. Armstrong.
H. R. 5779. Mary Collins.
H. R. 5798. Mary J. Fisher.
H. R. 5794. Clara Nichols.
H. R. 5860. John E. Markley.
H. R. 5886. Amelia Miller.
H. R. 5887. Mary L. Speer.
H. R. 5888. Margaret A. Parks.
H. R. 6012. Maggie Garner.
H. R. 6020. Jennie Dickinson.
H. R. 6049. Mary D. Fisk.
H. R. 6064. Michael Bibus.
H. R. 6140. Phoebe S. Deardourff.
H. R. 6141. Mary J. Coburn.
H. R. 6151. Emma J. Pemble.
H. R. 6160. Horace G. Sherman.
H. R. 6161. Phebe Goldsberry.
H. R. 6162. Lydia L. Wilcox.
H. R. 6163. Nancy I. Martin.
H. R. 6164. Maria Bliss.
H. R. 6165. Nancy Beverage.
H. R. 6168. Laura E. Reynolds.
H. R. 6173. Sarah A. Hudson.
H. R. 6174. Lucinda Geary.
H. R. 6187. Mary A. Good.
H. R. 6191. Mary Oaster.
H. R. 6192. Jennie E. Starry.
H. R. 6193. Lydia A. Stare.
H. R. 6194. Mary A. Shauck.
H. R. 6195. Joanna A. Lawrence.
H. R. 6196. Sallie C. Stahl.
H. R. 6197. Julia Ann Carver.
H. R. 6266. Nancy P. Andrus.
H. R. 6272. Rose Moten.
H. R. 6276. Dicie C. Alexander.
H. R. 6331. Mary E. Kirk.
H. R. 6339. Louisa H. Rush.
H. R. 6410. Nellie J. Wyrick.
H. R. 6461. Seward Garthwaite.
H. R. 6462. Julia C. Johnson.
H. R. 6483. Mabel E. Callahan.
H. R. 6485. Ella Wallace.
H. R. 6575. Sarah V. Johnson.
H. R. 6598. Mary E. Marks.
H. R. 6599. John B. Lang.
H. R. 6604. Editha F. Berry.
H. R. 6642. Lydia J. Warburton.
H. R. 6649. Belle Miffin.
H. R. 6700. Mary C. Marvin.
H. R. 6811. Susan K. Stork.
H. R. 6827. Josephine A. Albee.
H. R. 6846. Martha Martin.
H. R. 6859. Ellen E. Webb.
H. R. 6860. Eliza Bannister.
H. R. 6916. Laura Nonemaker.
H. R. 6917. Sophia Hoffman.
H. R. 6940. Mary E. Muzzy.
H. R. 6954. Martha J. Keeler.
H. R. 6963. Elizabeth Wilder.
H. R. 7006. Eliza A. Frost.
H. R. 7015. Emily F. Du Bols.
H. R. 7048. Emogene Warden.
H. R. 7115. Gertrude Rank.
H. R. 7143. Susanna Cutshaw.
H. R. 7147. Etta Vanzant.
H. R. 7148. Lucinda B. Burbridge.
H. R. 7150. Charles R. Booth.
H. R. 7196. Susan A. Kuhn.
H. R. 7299. Synethia Freeman.
H. R. 7301. Sallie Garland.
H. R. 7309. Mary E. Harris.
H. R. 7314. Arophine C. Knox.
H. R. 7407. Helen Underwood.
H. R. 7419. Nancy A. Stewart.
H. R. 7547. Mary E. Allen.
H. R. 7619. Anna E. Brewster.
H. R. 7982. Mary L. Peck.
H. R. 7983. Nannie E. Bowman.
H. R. 7985. Matilda J. Adams.
H. R. 7988. Christina Muller.
H. R. 7997. Ann Boggs.
H. R. 7998. Mary M. Eaton.
H. R. 8001. Sarah E. Miller.
H. R. 8006. Agnes Jones.
H. R. 8007. Nancy Reedy.
H. R. 8018. Margaret Palmer.
H. R. 8021. Adaline Macaw.
H. R. 8032. Emily Ray.
H. R. 8055. Della Bertrand.
H. R. 8056. Inez L. Hoxsle.
H. R. 8057. Caroline Cox.
H. R. 8060. Adam L. Foley.
H. R. 8066. Dessie M. Johnson.
H. R. 8069. Mary E. Crossier.
H. R. 8070. Emma L. Jessor.
H. R. 8071. Annie N. Fitzpatrick.
H. R. 8072. Mary A. Corwin.
H. R. 8073. Elizabeth L. Conklin.
H. R. 8074. Mary E. Carpenter.
H. R. 8080. Christofa Preston.
H. R. 8102. Sarah J. Garthwaite.
H. R. 8105. Mary J. Zimmerman, known as Mary J. Zimmerman.
H. R. 8106. Mary A. Fuller.
H. R. 8109. Mary E. Nutting.
H. R. 8111. Mary E. Adams.
H. R. 8112. Mary Jones.
H. R. 8113. Elizabeth A. Russell.
H. R. 8116. Martha E. Moore.
H. R. 8140. Kate A. Fowler.
H. R. 8141. Ellen M. Brown.
H. R. 8142. Augusta Mattimore.
H. R. 8175. Mary L. Reither.
H. R. 8212. Isabell Congo.
H. R. 8213. Harriet Donohue.
H. R. 8214. Celia Ann Powell.
H. R. 8231. Oliver H. Callam.
H. R. 8249. Julia H. Piatt.
H. R. 8250. Polly Saylor.
H. R. 8254. Addie Allen.
H. R. 8260. Mary E. R. Simmermaker.
H. R. 8261. Rutha M. E. Standage.
H. R. 8262. Francis Back.
H. R. 8285. Martha L. Jackson.
H. R. 8342. Isabell A. Hult.
H. R. 8422. Mary E. Piper.
H. R. 8426. Amanda Toot.
H. R. 8427. Mary L. Koch.
H. R. 8428. Sarah A. Snyder.
H. R. 8429. Emaline Sloat.
H. R. 8430. Louisa Stough.
H. R. 8431. Mary A. Snyder.
H. R. 8433. Rose Wernig.
H. R. 8482. John E. T. Ward.
H. R. 8634. Mary D. Walls.

Mr. FULLER. Mr. Speaker, I offer the following committee amendments.

The Clerk read as follows:

Page 39, strike out lines 11 to 14, inclusive. (Claimant is dead.)

Page 45, line 22, strike out the letter "k" from the name "Galuska" and insert in lieu thereof the letter "h."

Page 51, line 19, insert the initial "J." after the name "Margaret," so as to read "Margaret J. Hambaugh."

Page 72, line 1, add the letter "a" to the name "Elizabeth," so as to read "Elizabetha."

Page 107, strike out lines 18 to 21, inclusive. (Claimant is dead.)

Page 109, line 18, insert the initial "J." after the name "Harriet," so as to read "Harriet J. Webber."

Page 151, line 2, after the word "Company" strike out the letter "E" and insert in lieu thereof the letter "F," so as to read "Company F."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed.

On motion of Mr. FULLER, a motion to reconsider the vote whereby the bill was passed, was laid on the table.

RAILWAY LABOR DISPUTES

Mr. PARKER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 9463) to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. MADDEN in the chair.

The Clerk read the title to the bill.

Mr. PARKER. Mr. Chairman, I yield 15 minutes to the gentleman from South Dakota [Mr. WILLIAMSON].

Mr. WILLIAMSON. Mr. Chairman and gentlemen of the committee, at the outset I desire to state that I have always believed and contended that railway employees have the right to organize for the purpose of mutual aid, to improve working conditions, and to enforce a reasonable wage scale by any means in their power short of causing an unreasonable interruption of interstate commerce.

That the various organized railway crafts have performed a valuable function in compelling the use of safety devices, cutting down hours of employment to a reasonable basis, and otherwise improving the service can not be doubted. Transportation, however, is affected with the public interest. It can not be stopped, even for a brief time, without bringing disaster to business, throwing out of employment tens of thousands of workers in the industries, threatening starvation and death to the people of the great centers, and leading to other calamities of so terrible a nature as to make war itself seem a harmless pastime. It is incumbent, therefore, upon every patriotic citizen to lend his aid and influence to any movement having for its object the settlement of such disputes as may arise between the railway systems of the country and their employees.

With many of the provisions of this bill I find myself in entire agreement. Certainly it is the best bill of its kind that has been offered here in Congress since I became a Member. I can not, however, but feel that it fails in some very essential particulars in giving that protection to the public which we are entitled to in a measure of this character. An examination of the bill discloses that it provides for nothing in the way of settlement of disputes that may arise between railways and their employees that may not now be resorted to by mutual agreement except—

First. That the awards of the board of arbitration, when made, may be filed in a court of record and judgment be entered thereon; and

Second. That the President may create an emergency board when, in the opinion of the Board of Mediation, a situation develops which threatens substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation services.

Unfortunately, such emergency board when created can only investigate and report respecting a dispute to the President. It is absolutely without authority to make any award or to make any recommendation that is binding upon anybody. Nor does the section providing for the board confer any duty or power upon the President, expressed or implied, in connection with such recommendation. There appears, however, in this connection a provision which stipulates that "after the creation of such board, and for 30 days after such board has made its report to the President, no change, except by agreement, shall be made by the parties to the controversy in the conditions out of which the dispute arose."

If it is made clear that during such period no strike or interruption of traffic by either party can lawfully be brought about, this provision will prove an exceedingly valuable one. It will doubtless be claimed that this is its evident purpose. If so, it should clearly appear in the law. This can be done by adding after the word "arose," in line 12 on page 28 of the bill, the following:

Nor shall either party to the dispute during such period take any action which will tend or threaten to interrupt interstate commerce.

Maintaining the status quo during the time the investigation is going on is absolutely indispensable to any proper consideration of the controversy. There must be no threat of a strike or lockout.

Mr. KEARNS. Will the gentleman yield?

Mr. WILLIAMSON. I will.

Mr. KEARNS. What would be written into the bill to punish either side who took some action that would stop or interrupt transportation?

Mr. WILLIAMSON. If the provision I have suggested should go into the bill, there is no question but that a court of equity could enjoin a labor union going on a strike during that period. The same power would exist to restrain a railway company from instituting a lockout.

The time during which such emergency board is engaged in considering the matters in controversy and making up its report to the President and the 30 days following constitute

the cooling-off period. In the meantime crystallized public opinion would become a powerful leverage in compelling the parties to the dispute either to reach an amicable settlement or to accept the recommendations made by the emergency board and such further suggestions as might be made by the President. This section is also defective in that it does not provide for making the report to the President public. Just how public opinion is to be brought to bear upon the controversy without knowing the facts is not clear.

I think the following may be laid down as well-recognized principles of law under our Federal Constitution:

First. That Congress may not vitiate a private contract if not immoral, unlawful, or against public policy;

Second. Within the above limitations the right of private contract is inviolate;

Third. We can not by legislation compel an individual to enter into a contract of service or employment nor, if entered into, can specific performance be enforced by the courts; but

Fourth. Congress has the unquestioned right to prohibit a conspiracy between individuals to quit work in concert when engaged as employees in interstate commerce when such action would result in impeding, stopping, or destroying such commerce; and,

Fifth. The right of the public to uninterrupted traffic in interstate commerce is paramount and Congress may provide for the enforcement of such right by appropriate legislation.

If the last proposition is correct, Congress has the authority to prohibit strikes which have for their object the stoppage of the mails or the serious interruption of interstate commerce. Such power, however, should not be exercised by the Congress unless it should clearly appear that it is the only possible means that can be found to prevent the tying up of traffic.

There is high authority for compulsory arbitration in labor disputes. But compulsory arbitration should not be imposed by Congress without the consent of the parties except as a last resort, and I should not be in favor of incorporating it in this bill. To me it seems regrettable, however, that the railroad employees and the transportation companies could not have reached an agreement making it obligatory upon them, in case an agreement can not be arrived at in any other way, to submit a controversy to arbitration and to agree to abide by the results.

In place of such provision the bill provides:

That the failure or refusal of either party to submit a controversy to arbitration shall not be construed as a violation of any legal obligation imposed upon such party by the terms of this act or otherwise.

The bill provides very little machinery for the effective settlement of disputes that may not now be invoked by the employees and the railway management without resort to legislation. Nothing provided for in the bill is finally binding and compulsory upon the parties unless agreed to in advance, but the most vital defect in the bill, in my judgment, is the fact that it does not appear to give adequate protection to the public which must necessarily use the railways for the purpose of transportation.

The gentleman from Kentucky on Wednesday made the statement that the only right the public has is to uninterrupted traffic. This is an astounding statement to come from a man who is presumably here to represent his entire constituency. The public certainly has other rights than that of unimpeded transportation. Railways are charged with the public interest. Transportation corporations are quasi public in character. They are subject to regulation by Congress. That regulation includes as a matter of public right the power to fix reasonable rates and charges. The power to fix reasonable rates and charges can not exist unless the Interstate Commerce Commission at the same time has the right to take into consideration the reasonableness or unreasonableness of the wage scale. I concede that neither this Congress nor any agency created by it should ordinarily attempt to interfere with private contract, but it has the unquestioned right in fixing transportation rates to disregard a wage scale to the extent that it appears to be unreasonably high. That right now exists in the Interstate Commerce Commission. Whether it will exist if this bill is passed in its present form is open to serious question. [Applause.]

Mr. BLANTON. Will the gentleman yield?

Mr. WILLIAMSON. I will, although my time is short.

Mr. BLANTON. The great trouble is that the President can not act until a strike has been called. He can not act because they refuse to mediate.

Mr. WILLIAMSON. He can not until the Board of Mediation has asked him to appoint an emergency board.

Mr. PARKER. Mr. Chairman, I want to correct the statement of the gentleman from Texas; the Board of Mediation can ask for an emergency board at any time.

Mr. BLANTON. I was going by the reading of the gentleman's bill.

Mr. WILLIAMSON. This bill gives legal sanction to any agreement as to wages, hours, and working conditions that may be mutually agreed upon by the employees and the railways. When disputes shall finally be settled as the result of voluntary arbitration and the arbitral judgment is made a matter of record in a court, such decision as to the reasonableness of the wages agreed upon would not only be most persuasive upon the Interstate Commerce Commission, but compelling. If this position is correct, we virtually turn over rate making to the employees and the railways, and the right of the public to reasonable transportation rates is seriously jeopardized if not lost. The correctness of this position is emphasized by the statement made by the gentleman from Virginia on Wednesday when he interrupted the gentleman from Kentucky to say in substance that if the Hoch amendment should be adopted it might be construed to mean that any agreement upon the wage scale arrived at by employees and managers could be disregarded by the Interstate Commerce Commission. The converse of this is certainly true; that if the amendment is omitted the Interstate Commerce Commission would be justified in taking the position that it was bound by such agreement.

We can not blow hot and cold at the same time. We are creating here an agency for the settlement of wage disputes. We are giving the sanction of law to any wage agreement that may be arrived at by employees and management. We are making such agreement a matter of record and invoking the power of a Federal court to enter a judgment of confirmation thereon.

If this arrangement is not coupled with an express reservation to the Interstate Commerce Commission to pass upon the reasonableness of such agreement as to wages, we have foreclosed our right to consistently contend that such agreement is not binding upon the commission. [Applause.]

I am unable to see how we can get away from this proposition. Unless the bill is amended so as to carry the Hoch amendment or something similar to it, those Members of the House who for years have been making an effort to secure a reduction in freight rates can not in justice to their constituency vote for this bill. The railways are now just getting into such position financially that they can afford to make a reduction in rates. There is a most compelling reason why rates should be reduced, particularly upon bulky farm products. Should this bill become law in its present form, it would not only jeopardize any proposed reduction but would probably make a reduction impossible for years to come, if not for all time. The power of the Interstate Commerce Commission to fix reasonable rates should not be hampered or curtailed in such a way as to leave it little but an automatic rate-making machine devoid of discretionary powers in the exercise of its judgment as to whether proposed rates are reasonable from the standpoint of the shippers.

I am going to put into the RECORD an extract from Labor, the official organ of the Associated Railroad Labor Organizations, which shows the position of the unions on the question. They take the position that as the bill now stands the Interstate Commerce Commission has no authority to exercise its judgment in the matter of considering the reasonableness of wage scale which may be agreed upon between the railways and the employees. They take the position that it is binding on the commission. Gentlemen, there is no question, I think, but that is the understanding both on the part of labor and on the part of the railway management. Now, those of us who are here representing the public should make it perfectly clear that the Interstate Commerce Commission has the right to investigate the reasonableness of the wage arrangement. If we do not do this, we must expect that the wages of employees will be passed on to the public, whether an increase in the wage scale is fair or not. [Applause.]

[From Labor of February 27, 1926, owned and edited by the Associated Recognized Standard Railroad Labor Organizations of the country, and as their official Washington weekly newspaper]

WOULD LEAD TO TROUBLE

It was urged that the practical effect of such a provision would be to require the Interstate Commerce Commission to consider the merits of any agreement or arbitration award which might affect the operating expense of the carriers.

This would discourage the making of agreements or the entering into arbitration, because the parties could not be assured that their controversy would thus be finally settled.

If the commission should undertake the duty of reviewing agreements and awards, the practical effect of a refusal by the commission to approve of the contract entered into would be to reopen the controversy presumed to be settled.

SMALL CHANCE OF ADOPTION

Opponents of the bill may seize upon the Hoch amendment as a way to destroy the agreement of the parties by substantially changing it. It is believed, however, that they will not be able to muster any considerable support for the amendment or for any other amendment which would destroy the agreement which is generally recognized as the most valuable factor in the proposed legislation.

Mr. BARKLEY. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. JACOBSTEIN].

Mr. JACOBSTEIN. Mr. Chairman, the legal aspects of this railroad labor bill have been presented so often and so well, and not being a lawyer myself, I shall not attempt to deal with that phase of it. I rise merely because I feel some one ought to speak about the bill from the angle of an industrial-relations man. I have had several years of practical experience in the labor field as a mediator, an arbitrator, a labor manager. It may be interesting, if not valuable, to hear how this bill appeals to me. I shall therefore tell you briefly what I think of the bill in the light of my own personal experience.

In the first place, as an industrial-relations man, I find the bill sound because it does not attempt too much. It does not go into too much detail. My experience has taught me that you must not write into a labor contract too many details. The committee wisely rejected the kind of details that some Members would like to write into this bill, through the amendments that have been proposed.

I remember the first experience I had in collective bargaining, when I helped to bring together 15,000 workers in my city of Rochester in a collective-bargaining agreement with the clothing manufacturers. When the employers and labor representatives got together in conference I said, "What kind of an agreement shall we draw?" and a very wise and shrewd and experienced labor leader, Mr. Sidney Hillman, said to me, "Mr. Jacobstein, put it all on one page, then put it in your pocket, lock it up for a year, and let's go on and do business." I wondered what he had in mind. We did that very thing. I found after a year of experience that he had spoken like a wise statesman. What he meant to imply was that we should go along and settle our own disputes in a common-sense manner and refrain from relating our disputes to a legal contract. After we had had some experience we knew the kind of a contract that we really wanted. After our first year's experience we revised the labor contract in Rochester three times, and now the industry has a form of agreement adapted to its needs and based on experience. A labor contract is a matter of growth and development. I attended the hearings of the committee frequently, and I found how a legal-minded gentleman tried to write into the bill this detail and that detail. I think the committee was wise in resisting his suggestions along this line. So from experience I say that the bill wisely does not attempt to set out in too great detail what shall and what shall not be done.

As to the machinery, the bill follows the best principles and accepted practice of experienced industrial relations experts. It is my experience that the more responsibility and power you throw the employer and the employee the more likely you are to get peace in industry. The bill before us does this very thing. It sets up machinery which throws back upon labor and executives the business of settling their disputes. Some of you, perhaps, do not know that this bill goes a little further in this regard than the Newlands Act or the Erdman Act, or the transportation act of 1920. I think we ought to vote for the bill with our eyes open.

It does two or three things which were never in the old laws or in the present law, and it proceeds in a new and very wise direction. For instance, it emphasizes the importance of a conference between employer and employees. That was not in the old law. It sets up adjustment boards of their own selection to expedite the settling of unsettled disputes. Mediation and arbitration machinery is provided for with a minimum of outside interference. This, too, is sound. The public, however, comes into the scene of operation at the point where a tie-up is threatened. The public is then represented by boards appointed by the President of the United States.

There is still another aspect of this labor adjustment bill which I like very much. The machinery provided for will have a tendency, I believe, to speed up the settlement of grievances, complaints, and demands. The operation of the Railway Labor Board has caused undue delay in the settlement of cases before it. Unsettled cases become points of irritation between capital and labor and they should be dis-

posed of as quickly as possible. Otherwise they set up and aggravate ill will on both sides. Only last week, when I was in Rochester, I heard of a case of laborers who have had a wage grievance pending for three years. You will find in the published hearings (p. 189) a case cited by Mr. Robertson, president of the Brotherhood of Locomotive Firemen and Enginemen, which has been pending before the Labor Board since 1920 and is still unsettled. My experience in labor work has taught me that it is very important and highly essential to settle labor cases with the utmost dispatch, and this, I think, will be accomplished by the machinery set up by this bill.

It stresses the fact that collective bargaining is a recognized and established fact in industry as never before recognized in any law. I like that in the bill. With frankness the employers have said, "We recognize that we are going to deal with organized labor." I want you to know also that labor gave up something in the bill. Do you know what they gave up? Do you know, according to this bill, that the employers can deal with labor on their own roads and make a contract with them? For instance, the Pennsylvania Railroad system can do such a thing with their own employees without opposition from organized labor. This bill does not preclude the employer from dealing with his own labor if he so desires, and if labor so desires. That is a good point in the bill. Labor gave something in return for the recognition that it received. For the first time that I know of the Congress of the United States is establishing in law the fact that organized labor shall be collectively represented in an important labor agreement recognized and sanctioned by an act of Congress.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. JACOBSTEIN. For a question.

Mr. BLANTON. The gentleman surely has read the evidence of Mr. Charles P. Neill, who was a United States mediator all through the Erdman Act and in the Newlands Act.

Mr. JACOBSTEIN. Yes.

Mr. BLANTON. He disagrees with this other mediator. Does not the gentleman recognize that in the Erdman Act of 1898 it is provided that a majority of the employees themselves could plead with the employer?

Mr. JACOBSTEIN. That is true; but the language of the Erdman Act fails to refer explicitly to organized labor as part of the agreement as in this bill before us.

Mr. BLANTON. So this bill is no new idea in that respect.

Mr. JACOBSTEIN. Oh, yes; I think it is new in this regard. I wish I had the time to develop this point. I want you to know this, and I want the people everywhere to know it. This is a step forward. The American Government is recognizing collective bargaining in a legal way as it has never done before. I believe in collective bargaining, and the quicker employers recognize it and stop fighting organized labor the quicker we will get permanent peace in industry. I remember when this labor leader to whom I referred above, Mr. Hillman, came to me when we were drawing up our contract and said:

If you want peace in industry, keep the lawyers out of the settling of disputes.

That was a new one to me, and I asked him what he meant by that. He said that the lawyers always tried to settle things in terms of legal technicalities, whereas disputes should be settled by practical men of affairs, in close contact with the situation and with an understanding of the psychology of the parties involved in the dispute. We did keep them out in Rochester, as they are kept out in most industries where industrial-relation machinery functions successfully. This bill as I read it keeps out the lawyers in the adjustment of labor disputes, because it throws back upon organized labor and upon the executives themselves the responsibility for settling disputes.

If this bill were proposed for an industry in which there was no industrial-relation machinery set up, I doubt very much whether it would work. If labor did not have as its representatives men who were devoting their lives to a study of their problem, if the executives did not have in their organizations men who were devoting their lives to the personal-relations problem, I question whether a bill of this character could succeed in its actual operation. My experience is that where industry is organized properly on its industrial-relations side an agreement like this can work. I think you will find that it is generally agreed that before an arrangement like this can work practically you have got to have industrial-relations machinery established on both sides, and fortunately we have that in the transportation industry. That is one reason why it is going to work, if it works at all.

There is another splendid idea in this bill to which I wish to call your attention.

I remember we had a situation in Rochester where an arbitrator was called upon to make a general reduction of wages for the entire clothing industry, affecting 15,000 workers. A lot of people say that you can not reduce the wages of labor. Yes; you can if you do it right and know how to go about it. The arbitration machine of Rochester reduced wages of 15,000 employees, and there was no strike. Do you know what happened after that? You destroyed the arbitrator. That is natural. A man who renders a decision against labor in that form loses the good will of labor. I like those provisions in this bill which make it possible for the President to call upon what might be called a supermediation board, which comes into operation whenever a specific situation arises, and he calls upon men who have not developed ill will against themselves either on the part of labor or employers. There being no feeling of hostility, the President's mediator or Mediation Board will enjoy the confidence of both sides.

All through the bill you will find this sound principal is operative, not to break down and destroy the arbitration machinery by virtue of adverse decisions which have been previously rendered. Now that is the great trouble with the Railway Labor Board to-day. That is the main reason why it broke down. It is called upon to decide cases against managements and labor so frequently that it destroys its usefulness for both parties. That is why a change is now found necessary.

I like also this cooling-off time provided for in the bill. In this bill you will find there is a period during which both sides may cool off before hostilities begin. And well do I know from experience how important that is. You have got to give labor a little time to cool off after they present their grievances, and the executives too.

Mr. BLANTON. Will the gentleman yield right there?

Mr. JACOBSTEIN. For a question.

Mr. BLANTON. Suppose the President appoints his commission?

Mr. JACOBSTEIN. Yes.

Mr. BLANTON. And the law says they shall not change the status quo for—

Mr. JACOBSTEIN. Sixty days practically.

Mr. BLANTON. What is going to prevent them from doing it?

Mr. JACOBSTEIN. Nothing.

Mr. BLANTON. The gentleman is frank.

Mr. JACOBSTEIN. Let us be frank. I do not want anything written into this bill or any other bill which would give the President legal power to prevent men from quitting their jobs. Of course, the greatest power in the world—the only power—is at work all the time, public opinion. I would like to see 1,750,000 organized laborers, as there are in transportation, go out on a strike while the Mediation Board is investigating a situation.

Mr. BLANTON. They did in 1916.

Mr. NEWTON of Minnesota. If the gentleman will yield, I simply want to say this: That it is my understanding that before a lockout or a strike during the 60-day period occurs the courts can be called upon under the conspiracy statute?

Mr. JACOBSTEIN. I will say this, and answer that in all frankness. Even though that is true, I doubt very much whether in this country you can ever get a court to make a man run a train or mine coal. I do not want, and I do not believe any of us want, that form of compulsion which would compel a man to work against his will.

Mr. MAPES. If the gentleman will permit, will not the gentleman admit that this bill goes as far in a compulsory way for this 60-day period as it is possible any law could go?

Mr. JACOBSTEIN. Exactly. Of course, what the gentleman from Michigan says is true. That is just where the present Labor Board established by the transportation act has broken down. When that law was passed the people thought the Labor Board might have the power to compel the observance of its decisions. The Supreme Court, however, has ruled, in the famous *Pennsylvania Railroad v. United State Labor Board* case (261 U. S. 72), as follows:

The decisions of the Labor Board are not to be enforced by process. But Title III was not enacted to provide a tribunal to determine what were the legal rights and obligations of railway employers and employees, or to enforce or protect them.

Under the act there is no constraint upon them to do what the board decides they should do, except the moral constraint already mentioned, of publication of its decision.

I do not think we ought to go any further. Just see what it means. It means the President of the United States shall select an impartial commission representing the general public to investigate and seek to bring both parties to a settlement. I can not conceive of a strike or lockout of men in that situation within that 60-day period.

Mr. BLANTON. While we do not want to compel them to run an engine, we want it understood that when they give up their job it is not their job any longer, and they shall not interfere with somebody else's running that engine.

Mr. JACOBSTEIN. That is true. The individual has a right to quit his job, but when he does quit it is no longer his job.

Mr. PARKER. May I state to the gentleman that the witnesses on both sides said they were satisfied that if there was a strike or lockout within the 60 days, in their judgment, they would be guilty of conspiracy.

Mr. JACOBSTEIN. Yes; if they act collectively but not individually. I will say this: I was present at the hearings, and when somebody tried to put some language into the bill on that very point which would make it more explicit that there might be some compulsion, I noticed the committee and the representatives of labor and railroad executives shied away from the suggestion, and the suggested proposition of compulsion is not in the present bill.

Mr. BLANTON. And Judge Thom stated there was no compulsion in this bill.

Mr. JACOBSTEIN. Let me say to the gentleman from Texas that they tried it out in Kansas. Let me ask every Member of the House who believes in writing into the law compulsory arbitration, the idea of compelling people to work, let me ask him to review the experience of Kansas, and he will have to admit that it can not work on American soil. You remember what Lincoln said:

Thank God, there is one country in the world where a man can strike without being thrown into jail.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. PARKER. Mr. Chairman, I yield three minutes more to the gentleman.

The CHAIRMAN. The gentleman from New York is recognized for three minutes more.

Mr. JACOBSTEIN. I think the bill is sound because it relies on cooperation rather than compulsion. It is sound because it recognizes that where people want to get together, as they apparently do here, they will get together as best they can.

I want to say to you that there is not any labor contract that can not be violated. Manufacturers who do not believe in organized labor will find ways and means to violate a contract based on collective bargaining. On the other hand, the unions, too, can violate a contract, and will if they do not have the right spirit. The best part of this bill is not what is in it. The best part of this bill is what is behind it—the right spirit. Both sides, representatives of 20 railroad labor organizations and the executives controlling 85 per cent of railroad mileage, came forward voluntarily, and they expressed the conviction that they have found a way of getting together to assure continuous, uninterrupted service on our railroads. They stated in the presence of the committee and of the American people that they wanted peace in that industry. That is the best feature in the bill. [Applause.]

Now, I want to say this in conclusion: There are some folks in the country who are worried about bolshevism and radicalism. I want to leave this thought with you: There are two millions of organized workers in the United States engaged in transportation, with six or eight million others dependent on them; give them a square deal; treat these men in blue overalls with respect, and you need not worry about the black shirts of Italy or the red shirt of Russia ever gaining a foothold on the railroads of these United States. [Applause.]

Mr. PARKER. Mr. Chairman, I yield to the gentleman from Illinois [Mr. DENISON] 25 minutes.

The CHAIRMAN. The gentleman from Illinois is recognized for 25 minutes.

Mr. DENISON. Mr. Chairman and gentlemen of the committee, I am laboring under this difficulty, which I am sure the committee can understand, in attempting to speak on this bill after it has been under discussion for more than a day, that I must try to avoid repeating what has already been said, and thereby taxing the patience of the committee. I had some remarks prepared that I hoped to offer, but I find that what I had prepared has largely been presented by other speakers, and I shall not therefore repeat it. But a few of the more important features of the bill have impressed themselves upon my mind sufficiently to justify me in asking the attention of the committee for just a few moments. I shall try to get through in the time allotted to me, and I hope I may not be interrupted by questions.

I have given a great deal of thought and study to the subject of the settlement of disputes between the railroads and their employees. It is a question of far-reaching importance.

Class I railroads, which are those that have an annual revenue in excess of \$1,000,000, employed last year 1,765,170 employees, which represents from 93 per cent to 95 per cent of the total number of railroad employees in the United States. The compensation paid by the railroads to these employees was \$2,866,673,069. These railroads operated last year a total of 236,644 miles, and the total invested capital in the year 1924, as represented by the capital stock and funded debt, amounted to \$21,744,682,277. The book value of the physical properties of all the railroads in the United States during the year 1924 amounted to \$22,173,482,789, and these railroads had in the year 1924 total tax accruals, local and Federal, amounting to \$342,459,598.

We have the greatest and the most efficient railroad system in the entire world. The capital stock and the bonds of these great properties are owned by thousands upon thousands of individual men and women all over the country and by the savings banks, trust companies, commercial banks, and the great insurance companies, upon whose soundness and security the happiness and the fortunes of millions of our citizens depend. In addition to the almost 2,000,000 men directly employed on the railroads there are millions of others employed in industries that are directly allied with or dependent upon the continued operation of the railroads, and upon all these there are millions of others belonging to their families who are directly dependent.

So the importance of any proposed plan which will promise a peaceful and harmonious adjustment of disputes and differences between the railroads and their employees and which will promise uninterrupted transportation service becomes at once apparent and ought to receive our hearty approval.

I have for years believed that the best method for settling disputes as to wages and working conditions between the railroads and their employees was by some plan of mutual conferences, conciliation, and arbitration agreed upon by the parties. The question of wages and working conditions for human labor, upon which the happiness of millions of men and women depend, is so far-reaching and so fundamental that no plan for the adjustment of such questions which either side may attempt to impose upon the other against its consent will ever prove successful. There must be mutual cooperation between the railroads and their employees or there will never be peace and uninterrupted commerce, and neither side, through the aid of legislation, can impose its will upon the other side and thereby hope to secure a successful solution of this problem and an uninterrupted transportation service.

The provisions of the present transportation act under which the Railroad Labor Board was created did not have the approval either of the railroads or of their employees and its enactment into law did not settle the question satisfactorily and never will.

When the labor provisions of the transportation act were under consideration in the House in November, 1919, I made this statement:

I think Congress will have done its duty to the country if we provide tribunals that are absolutely fair and impartial before whom they can take their disputes, man to man, on an equal footing, discuss them, and settle them.

And again during the discussion of the transportation act in 1919, I made this statement on the floor of this Chamber:

I think all labor disputes ought to be settled by agreement between the employers and their employees. It can never be to the benefit of laboring men to settle such matters by legislation. If they can not or will not be settled in that manner, then legislation may become necessary. I hope the necessity for it may not thereafter arise.

And finally when the conference report on the Esch-Cummins bill was under consideration in the House on February 21, 1920, and the provisions for the Railroad Labor Board was under discussion, I made this statement:

The amount of wages that men should receive for their services ought to be determined in all cases by agreement between the employers and their employees. Wages should be determined by economic and industrial and social conditions. This can only be done by agreement between employers and employees. When wages are determined by the legislatures or by the Congress, they will be determined by political conditions and considerations. It is a dangerous policy both for the Government and for the employees. * * * Right here I want to pause to say that, in my judgment, this plan here proposed for the adjustment of wage disputes is not workable. I do not think this so-called Labor Board will have very much to do. When a great wage question is to be adjusted, I think that the men will themselves try to

adjust it by agreement with their employers, and if they can not do so, they will not submit it to this board. Then what will be the result? The result will be that possibly a great nation-wide strike will be threatened, and then the question will come right back to the President and to Congress—

And so forth.

When the rule to discharge the committee from the consideration of the Barkley bill was under discussion in the House on May 2, 1924, I made the following statement in addressing the House:

My study of this question has convinced me that the most effective and most satisfactory method of adjusting differences and settling disputes with reference to grievances and wages and working conditions, is to allow representatives of the men themselves and of the companies to get together and without obstruction or interference by outside parties counsel and consider and resolve their differences among themselves, and I have favored any legislation that would authorize and legalize some such method of disposing of disputes by the railroads and their employees.

The bill now under consideration presents such a method. The railroads and their employees have reached this agreement as to the method of settling their disputes, and they ask us to give that agreement the force and effect of law.

It is not a penal statute. It is remedial. It does not impose any criminal penalties. It provides a remedy for serious industrial situations that may threaten the welfare of the Nation. It proposes a peaceful settlement of disputes in the most important industry in our country. The plan proposed rests primarily upon mutual conferences between the railroads and their employees, upon conciliation by representatives of the public, upon arbitration, and finally upon investigation by a public tribunal appointed by the President and the force of public sentiment that may be brought to bear where the parties have been unable to adjust their differences either by conferences or by conciliation or by arbitration.

The three most important and fundamental principles involved in the bill are:

First. It represents a complete agreement between the employers and their employees.

Second. The interests of the public are fully recognized and the public is given an important part in the machinery that is provided for the settlement of these disputes.

And third. There are by the provisions of this bill certain legal obligations imposed upon the parties which will have a strong deterring effect in preventing interruptions of commerce.

There have been statements made by several Members during this debate which I think have been misleading. For instance, my friend from Texas [Mr. BLACK], in one of the earlier speeches, and the gentleman from Texas [Mr. BLANCKENHORN], and perhaps others, have stated that these parties came to Congress and said, "We want you to pass this bill without dotting an 'i' or crossing a 't'." Of course, that is a hackneyed expression which we all understand here; but the people reading the CONGRESSIONAL RECORD may misunderstand it. At least it is not a true representation of the situation. They have not asked anything of that kind. Why, gentlemen, this bill was rewritten in many respects. Our committee gave the bill very careful consideration, every paragraph of it, and the chairman filed an amended bill, and the bill that we are now considering is a new bill.

But we did not amend it in any of the essential features of the agreement that had been made by the employees of the railroads and the railroad companies. So that brings me to this question of the agreement, and I was very glad to hear the gentleman from New York [Mr. JACOBSTEIN] state what he did a moment ago. The gentleman from New York understands the delicate situation that is presented to us by this bill. The gentleman from South Dakota [Mr. WILLIAMSON], who spoke just before him, does not understand it.

Now, let me explain what I mean. The railroad executives and the railroad employees did not come to Congress for this legislation until they were asked to do so. Here is the situation: The people generally, the railroad employees certainly, and the railroad executives in the main were dissatisfied with the Railway Labor Board provision of the present interstate commerce act. Nobody was satisfied with it. It was not working satisfactorily, and last year bills were introduced in the House and the Senate to abolish the Railway Labor Board; this House by a substantial majority voted in favor of discharging our committee and taking up that bill for consideration, and the Senate committee, after hearings, made a favorable report of a similar bill to the Senate.

Now, with both branches of the Congress in favor, apparently, of some legislation to abolish the Railway Labor Board, what did the President do? The President, in his message to

Congress, stated that the present Railway Labor Board was not satisfactory, and he urged upon the railroad employees and the railroad companies to reach an agreement on some plan to provide a more satisfactory method of settling their differences.

The President invited them to do that. Now, they, in good faith, in view of the apparent views of Congress and in response to the invitation of the President, got together in conferences and finally, after months of conferences, extending over as much as a year, I think, compromised their different and diverging views and reached an agreement on what they would be willing to have enacted into law; they have brought that agreement to Congress in the form of a bill, and they have said to us at the hearings, that they would like to have us put it into appropriate legislative form, but not to change the substance of the agreement they have reached after so much effort. They ask us to give this agreed plan for a peaceful settlement of their disputes the force of law.

I think we ought to deal with the situation in good faith, as they have dealt with it in good faith, and I do not think the Congress ought to change the contract or agreement that these two great interests have reached. In other words, you must understand that the representatives of the railroads and the representatives of the men working on the railroads considered very carefully every essential provision in this bill. They were not entirely satisfactory to either of them, but they finally agreed upon them. If they had not reached an agreement this bill would not have been here. If they had not been able to agree on these essential provisions the bill would not be before you; at least not this bill. I say it is our duty to study it carefully and either accept it or reject it. It is an agreement, and when the parties are invited to agree and we are asked to put that agreement into law, we either ought to accept it or reject it, and we ought not to try to change their agreement by injecting into it any provisions which they would not accept.

This is an agreed bill. It is a matter of vital importance to both of the parties. We do not have to take it. We are free agents. Instead of butchering the bill and changing their agreement and trying to force something on them they did not agree to, let us either accept it or reject it.

Mr. SPROUL of Kansas. Will the gentleman yield?

Mr. DENISON. I am sorry I can not yield. If I get through in time, I will be glad to answer any questions.

That is the situation, and instead of trying to amend the bill and to put into it something we want them to agree to, let us not do that. Let us reject the bill if we do not approve it. We would still have the same law that we have now. I think that is our duty.

Mr. MICHENER. Will the gentleman yield?

Mr. DENISON. I have just declined to yield.

Mr. MICHENER. Do you think that principle ought to be carried all the way through in our actions in Congress?

Mr. DENISON. I am talking now about the bill before us. I say this bill presents a peculiar situation. These interests were invited by our President to reach an agreement on a plan for peaceably settling their disputes, and they have done so.

Mr. MICHENER. Well, assuming we do not agree with their agreement—

Mr. DENISON. All right; we should reject it, ought we not? Is not that fair and honest?

Mr. MICHENER. No.

Mr. CHINDBLOM. Are we not here to legislate?

Mr. DENISON. We have the right to legislate, certainly, but we do not have the right to make an agreement for them. That is the point. If we do not like this bill which represents their agreement, why not reject it, and let the committee consider other legislation, if any is proposed, and report something different.

Mr. MICHENER. Then would it not be easier to have a committee on agreements, and whenever there is such an agreement reached just ratify it?

Mr. DENISON. The gentleman from Michigan, I am sure, knows the situation I am trying to make plain. The railroads and their employees were invited by the President to reach an agreement. They have compromised their differences and have presented their agreement to Congress, and we are asked to examine it and either approve it or reject it. I think in good faith we ought to deal with it just as they have dealt with us. So much for the agreement.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. DENISON. I have asked not to be interrupted.

Mr. CHINDBLOM. I am afraid there is an element with respect to the agreement the gentleman has overlooked. The President's statement contained the words, "if the parties agree to a bill which adequately and sufficiently protect the interests

of the public," and that is what the President invited them to do.

Mr. DENISON. All right; if we do not think they have done that, why not reject it?

Mr. MICHENER. Why not remedy it?

Mr. DENISON. Because we are not parties to the agreement. They have made their agreement and they have asked us to either reject it or accept it, and I think we ought to do one or the other. I think the agreement is all right, and I think the Congress ought to accept it and try it, because we have back of it the moral force of an agreement between the parties. Now, so much for the agreement. I do not care to continue further on that subject.

I shall now discuss the so-called public interest. Much has been said about the interest of the public. Let me tell you something about what is represented in this agreement.

There are 1,765,170 employees on the class 1 railroads in the United States. That means, I believe, all railroads that have an annual income of \$1,000,000 or more. There are about 2,000,000 men employed on all the railroads of the country, including the short-line railroads.

As the last speaker, Mr. JACOBSTEIN, just stated, they represent, including their families, some eight or ten million American citizens who are directly and vitally interested on one side of this question. If you take the allied industries that are absolutely dependent upon continuous operation of the railroads for their operation, it would amount to many million more. All these are a fairly large part of the public. But what have we on the other side?

There is invested in capital stock and funded debt of the railroads of this country \$21,744,683,000. I have heard it stated that there are at least 10,000,000 people directly or indirectly interested in the securities of the railroads. The securities of the railroads belong to the banks, especially the savings banks and trust companies, to the great insurance companies, in which we are all more or less interested, and to thousands and thousands of individual men and women scattered throughout the country. These people represent also a fairly good part of the public in this country, and they are all back of the executives who participated in this agreement and want this legislation.

Therefore, if you take the two parties to this agreement and the people they represent, I think you have a respectable part of the so-called public of the United States, and they are all interested in this bill.

This bill goes further than any legislation we have ever previously passed, so far as protecting the public interest is concerned. We have not only the emergency board, which is called upon when there is an interruption of commerce threatened, but we have provisions in the bill for representation of the public on the boards of arbitrators in case the arbitrators chosen by the parties can not agree, and they generally do not agree. We have the Board of Mediation, which is always ready, a permanent agency of the public, to intercede in all differences, and try to induce the parties to reach an agreement.

I think the bill fairly takes care of the interests of the public. I now want to discuss just a moment one subject that has been discussed by two or three other Members, namely, certain objections to the provisions defining the powers of the emergency board to be appointed by the President. Neither the Erdman Act nor the Newlands Act provided for a public tribunal that could make an investigation of the facts connected with a dispute before the dispute had reached a dangerous crisis and bring to bear upon the parties the full force of public opinion for preventing interruptions to interstate commerce.

I have understood that some amendment is going to be offered to that section of the bill. Some Members seem to be afraid that the emergency board will not be given sufficient power. The committee that considered the bill considered that question very carefully. It is objected that they are not given the power to subpoena witnesses and compel the attendance of witnesses and the production of books and papers. Most of the committee took the view that we do not have any constitutional right to confer that power on an investigating board of this kind. It is, of course, a matter about which good lawyers entertain a difference of opinion. My own view is that Congress can not give a purely investigating board of that kind the power to subpoena witnesses and compel the production of private papers. I base that on some decisions of the courts, but even if we had the power to do so, the parties who prepared this agreement object to it. They would not agree to it, and if they had supposed that such a provision had to go into the bill, they would not have brought the agreement here. But, as I say, I do not think we have the constitutional power to do so anyway.

Mr. BANKHEAD. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. BANKHEAD. My recollection is that the Coal Commission that was authorized and appointed a few years ago had very broad powers right along that line.

Mr. DENISON. I do not think they did.

Mr. BANKHEAD. They compelled the production of private papers and pay rolls and private information.

Mr. DENISON. I do not remember particularly about that.

Mr. NEWTON of Minnesota. It was intended that the Coal Commission's deliberations would extend over a considerable period of time, but here the element of time is very limited.

Mr. DENISON. I do not remember the provisions with reference to the Coal Commission, but nevertheless I do not think Congress could constitutionally confer such powers on a commission of that kind. Now, I want to read from the decision of the court in the Thirty-second Federal Reporter, page 250, in a case *In re Pacific Railway Commission*. The Pacific Railway Commission was created by Congress to make a general investigation of the affairs of the Pacific Railway Co. and report to Congress. The court said:

But in its inquiries it is controlled by the same guards against the invasion of private rights which limit the investigations of private parties into similar matters.

In the pursuit of knowledge it can not compel the production of the private books and papers of the citizen for its inspection, except in the progress of judicial proceedings or in suits instituted for that purpose, and in both cases only upon averments that its rights are in some way dependent for enforcement upon the evidence those books and papers contain.

Of all the rights of the citizen few are of greater importance or more essential to his peace and happiness than the right of personal security, and that involves not merely protection of his person from assault, but exemption of his private affairs, books, and papers from the inspection and scrutiny of others. Without the enjoyment of this right all other rights would lose half their value. The law provides for the compulsory production in the progress of judicial proceedings, or by direct suit for that purpose, of such documents as affect the interest of others, and also, in certain cases, for the seizure of criminating papers necessary for the prosecution of offenders against public justice, and only in one of these ways can they be obtained and their contents made known against the will of the owners.

The language thus used had reference, it is true, to the compulsory production of papers as a foundation for criminal proceedings, but it is applicable to any such production of the private books and papers of a party otherwise than in the course of judicial proceedings, or a direct suit for that purpose. It is the forcible intrusion into, and compulsory exposure of, one's private affairs and papers, without judicial process, or in the course of judicial proceedings, which is contrary to the principles of a free government, and is abhorrent to the instincts of Englishmen and Americans.

I give you that decision to show you the line of thought that was presented to the committee during the hearings when we were considering the powers to be given to the emergency boards.

Now here is the case of *Harriman v. The Interstate Commerce Commission* (211 U. S. 419), in which the court says:

In other words, the power to require testimony is limited as it usually is in English-speaking countries at least to the only cases where the sacrifice of privacy is necessary—those where the investigations concern a specific breach of the law.

Unless it is some sort of a judicial investigation, an investigation in which it is alleged that certain wrongs have been committed or certain legal rights have been denied, we have not the constitutional power to confer upon the investigating board a right to subpoena witnesses and compel the production of private books and papers. That was the view of most of the members of the committee in reference to our constitutional rights. It is the view of most lawyers, and there is no decision of the United States Supreme Court to the contrary that I have found.

The emergency board, appointed by the President, will have no judicial function to perform. They will merely make investigations of controversies in which no legal rights have been denied nor any legal wrongs committed. Even if we had the constitutional right, I do not think it would be wise to confer unusual inquisitorial powers upon such an investigating board as is here created. In my judgment we have gone as far as we can and as far as we ought to go in conferring investigating powers on this board.

The parties to this agreement say that if we go that far the board will get all the necessary facts and can give full publicity to the contentions of the parties and that will bring the pressure of public opinion to bear upon the parties. Now I do

not care to discuss that subject further. I hope the House will not agree to any amendment to section 10 of the bill.

I want to say a few words about the Hoch amendment.

I am not in entire accord with some members of my committee with reference to the force and effect of the proposed Hoch amendment. I think it would be a mistake to put it in the bill. I do not think it has been carefully thought out. My friend from Kansas means to be right; his purpose is commendable; but his amendment has not been carefully considered in connection with other provisions of the interstate commerce act, and it ought not to be adopted. An amendment could be formulated that would accomplish the purpose, but—

Mr. CHINDBLOM. Will the gentleman give us the benefit of his view on that?

Mr. DENISON. I am going to do that.

Mr. CHINDBLOM. Just what kind of a provision would be acceptable?

Mr. DENISON. Yes; I am coming to that. The proposed Hoch amendment is as follows, to follow at the end of line 20 on page 24:

Provided, That nothing herein shall be construed to preclude the Interstate Commerce Commission from considering the merits of any such arbitration award when determining freight or passenger rates or other charges.

That inferentially says that the commission shall have the right to investigate the merits of arbitration awards and wage agreements.

Mr. BURTNESS. But is there not a qualification as to when that investigation may be made? Why not emphasize the words—

when determining freight or passenger rates or other charges—

Just as much as the word—

merits.

Mr. DENISON. That is not material to the point that I am trying to make. I make the point that this inferentially gives the commission the power to investigate the merits of arbitration awards when they are considering applications for increases in freight or passenger rates. I contend that the Interstate Commerce Commission has no right now, under existing law, to go into the merits of such questions, and we do not want it to have the right to go into the merits of such questions. This amendment, if adopted, would inferentially give the commission that right. In other words, we would be giving the Interstate Commerce Commission a power which it does not now possess.

Mr. HOCH. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes; certainly.

Mr. HOCH. The gentleman does not agree with the interpretation of those who say that this amendment is not necessary because clearly under the language now used the commission would not be precluded from that inquiry? The gentleman disagrees entirely with the position of those who have opposed this amendment throughout this debate upon the ground that the language already used in the bill does not preclude the commission from making the inquiry? The gentleman holds that they are precluded?

Mr. DENISON. My position is this: The commission has the right to consider the honesty and the economy of management of the railroads in any applications for increases of rates and charges; but that does not mean that they have a right to go into the merits of wage agreements and arbitrations that have been concluded between the railroads and their employees. They can only inquire whether the management has been honest and economical.

Mr. HOCH. How are they going to determine it?

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. DENISON. I am sorry the time has expired. I shall try to get more time when we reach the Hoch amendment under the five-minute rule, and I will offer a substitute that will, I think, accomplish its purpose and will not do more than is intended to be done.

Mr. Chairman, this bill means so much to our railroad employees and those they represent, and to the railroad companies and those they represent, and, as I believe, to the entire country, I hope it may be passed without any substantial amendments.

Mr. BARKLEY. Mr. Chairman, I yield 20 minutes to the gentleman from Missouri [Mr. HAWES].

Mr. HAWES. Mr. Chairman, it seems to me that the House should have the benefit of the history back of the introduction of the Watson-Parker bill. Gentlemen are all familiar

with the discussions on the floor of this House during the last session in relation to the Howell-Barkley bill. After that tense situation had subsided the President of the United States in two messages called the attention of the Congress to the necessity of passing needed legislation, and in response to that request the representatives of \$20,000,000,000 invested in railroad properties during the last 75 years met in conference with the representatives of 2,000,000 railroad employees.

The investment of the \$20,000,000,000, to which I have referred, has passed out of the hands of the old-time railroad kings and is now largely in the hands of the investing public, placed as security in life insurance companies and in the estates of widows and orphans. The management of these \$20,000,000,000 has passed into the hands of experienced men, men who rose from the bottom of the ladder to the top; men who will protect that property against any unjust assault, against any extravagance, and against any unjust demands on the part of union labor. Thus was one of the parties to the agreement called to conference by the President.

Then we have the other party, the representatives of the 2,000,000 men, who are now demanding the best that they can get in conditions and the best that they can get in pay; things they will demand to-day, to-morrow, and always.

The public was notified that these negotiations were going on. It was stated in the press, day after day, that employers and the unions were reaching an agreement. Finally a bill embodying their agreements was introduced, and the matter came before our Committee on Interstate and Foreign Commerce. That committee is composed of 23 men, men coming from every portion of the United States. There are men from the Atlantic seacoast and from the Pacific seacoast, from the Gulf and from the Great Lakes region. It is a representative committee of every section of the United States. For 10 days that committee considered this bill, thoughtfully and carefully. The committee weighed every line of the bill; each word was analyzed. It was a long and tedious task. Before that committee there appeared the able general counsel of the railroad executives, and he stated with great frankness that when the matter was submitted to the railroad managements, on the basis of mileage, the vote was 198 to 48, and on the basis of percentage the vote was 80 per cent for and 20 per cent against. He said that the railroad managements wanted this bill to pass, speaking for 80 per cent of the first-class roads of the country. Then there came a Mr. Cain, representing the three hundred and more short lines of the country.

Then there came before us the able general counsel of the 2,000,000 men employed on these road systems, and he indorsed this bill.

So that there was unity on both sides, and back of this unity was the express desire of the President of the United States for legislation of this character.

Unless I am mistaken, after this 10-day hearing 22 members of our committee are united and in full agreement upon this bill in its general provisions. Only one member of the 23 seems to be in disagreement with the principle of the bill.

Let us be perfectly frank about it. There are no teeth in the bill. It is not a bill with compulsion back of it. It is a bill proposing that the meeting of the minds of the managers of \$20,000,000,000 and the 2,000,000 employees shall be written into law, with the last word to be spoken by the President of the United States through an emergency board to be called into being when agreement fails.

From the start it was clearly stated that the smallest possible unit of railroad capital could under the terms of the bill treat with the smallest possible unit of union labor; and I shall insert into the Record some questions of mine directed to Mr. Thom, counsel for the roads, on the one side, and to Mr. Richberg, counsel for the employees, on the other, outlining and defining the statement that I have just made.

Questioning Mr. Richberg:

Mr. HAWES. Mr. Richberg, sometimes questions will be propounded to you that seem immaterial; but our work in Congress is largely done by committees, and we must carry back with this bill a correct story to the House.

I understand from your very lucid explanation of the whole bill that in the last analysis representatives of approximately \$20,000,000,000 in capital have agreed with the representatives of approximately 2,000,000 employees, and the only question of jurisdiction as to the scope of these decisions has been eliminated by the proviso which has been agreed upon to withdraw jurisdictions over street railroads.

Mr. RICHBERG. That is correct.

Mr. HAWES. And the fundamental basic thought back of this whole bill seems to be voluntary action all along the line, a meeting of minds through the logical process of mediation, conciliation, and

then finally arbitration. It is a bill which is not intended to use force, excepting the last clause, when it reaches the President.

In the matter of salaries, Congress has a habit of viewing things with a suspicious eye, and paying more salary to one man than is paid another, and I know we will have some discussion about that. Your thought, I take it, is that the \$12,000 salary will give the President greater latitude, and in that way a large number of men to select from, and produce more efficient and competent men for this service. It is not entirely the amount of money that is paid, but it is the greater latitude in selecting the right kind of minds. Is that your idea?

Mr. RICHBERG. That is our thought; yes.

Mr. HAWES. Now, as to the civil service, you will be confronted by that?

Mr. RICHBERG. No, sir.

Mr. HAWES. The whole thought back of this is mediation—I mean men of a capacity to hear both sides?

Mr. RICHBERG. Yes, sir.

Mr. HAWES. And there is no way of picking out that kind of men from the civil-service list?

Mr. RICHBERG. Of course, as to the persons who will be subject to civil service, it would be only the employees; but I think your stating that is sympathetic with what I have stated before, that the employees themselves should be those of a similar spirit with the mediators—with the Government mediators—in other words, they should be able to work with them in a consistent frame of mind.

The CHAIRMAN. In other words, Mr. Richberg, they are in a confidential capacity?

Mr. RICHBERG. They are in a confidential capacity, and it is highly important that they should be so regarded. I might state right there, just to make that point possibly clear, I have had a good many stories told me of previous mediations. There are many, many cases where the mediators had locked in their breasts secrets that they could not possibly divulge to the other side, when they knew how far one party would go and how far the other party would go, and were trying to get them together, until finally they had gotten them to the line where they could say, "You have agreed to this, and the other fellows have agreed to this. Now, sign," and they could not possibly at any time let either party know how close they were together. Where a man is doing work of that character he has got to rely on the men he is working with. His secretary, his stenographer, anybody who is working for him, has got to be a man that he has absolute, complete confidence in, and to get that it is very helpful to have a man selected by himself and subject to him.

Mr. HAWES. So this is a process, after all, of one step after another, with the thought of conciliation in it all the way through, up to the breaking point, which we will get to in a few minutes, and naturally in selecting men of that capacity they should not be limited to any list, but only to the judgment of the person making the selection.

I was interested in some questions propounded awhile ago about how this would actually work. There are larger groups of unions, there are larger consolidations of railroads, and those consolidations are increasing on the railroad side, and I assume that they are increasing on the union side. As I understand it, a request for mediation could come from the railroads, any railroad, or any group of railroads?

Mr. RICHBERG. Yes, sir.

Mr. HAWES. Or it could come from any group of employees or from any consolidated group of employees?

Mr. RICHBERG. That is correct.

Mr. HAWES. So that it is a broad, wide method of a meeting of minds from a very small group on either side to the very largest group on either side?

Mr. RICHBERG. Yes, sir.

Mr. HAWES. I wanted to be rather careful about that. The National Labor Board as now constituted, as I understand it, have tried to give decisions of nation-wide application, and we know that it is not always possible to go into these local conditions, where local habits and local environment influence all the way along, so it is your thought that these decisions will come from local centers as well as the great national centers?

Mr. RICHBERG. The one great value of the bill, Mr. HAWES, is the fact that instead of bringing the parties into a central location and before the Labor Board, the board of mediators or the mediator goes out into the locality and settles that question there. It is not brought into a national field. It is not a national problem. It is the concerted movement in a region, and they go out into that region. They are not always bringing controversies to a focus in one central spot, and therefore and thereby, if there is any germ of trouble in them, spreading it.

Mr. HAWES. That is the trouble with the Interstate Commerce Commission now; the commission does not have the local contact. Your idea is that this board would bring closer local contact than did the old labor board?

Mr. RICHBERG. I think it will make local adjustments more easy where that is the natural method of adjustment.

Mr. HAWES. An interesting question was propounded by Mr. DENISON regarding the control by this board of a railroad in the hands of a receiver. I understand the receiver would appoint the administrative officers of the road; the jurisdiction would then cease and these administrative officers of the road would come under the provision of the act, just the same as would the administrators of any business in the hands of receivers.

Mr. RICHBERG. I think it is the ordinary procedure in a receivership that the personnel of the road remains practically unchanged, the receiver simply becoming a sort of supreme board of directors, if you want to call it that, or executive committee, acting at the direction of the court. The personnel of the road itself, the managerial force, remains usually precisely as it was before, and it would simply impose on the road, whether the final authority were in the receivers or the court, the same duties as though the final authority were in the board of directors.

Mr. HAWES. And the authority which would select the representatives by either side would come from the supreme power, wherever it was lodged in the group of roads or the single road or the local union or the national, and both sides would exercise the same prerogatives working out through their own machinery?

Mr. RICHBERG. Yes, sir.

Mr. HAWES. Now, naturally that machinery would be determined by both sides, and any dispute as to what machinery should be employed would be a matter for the board of mediation to determine?

Mr. RICHBERG. Yes, sir.

Mr. HAWES. So the whole process is simply one of mutual agreement up to this last paragraph on page 25.

Now, the United States Government having taken charge of the railroads to a certain extent, regulating everything they do from the president's office down to the brakeman, also curtailing the amount of their earning power, desiring the trains to move, has created a Board of Mediation which the Government pays for, and this Board of Mediation works between the two parties to a point where mediation fails. Are these hearings public or private?

Mr. RICHBERG. Well, in all respects that I can see, they should be regarded as private hearings. They are not private in this sense, that of course if mediation is called for in a situation that is of public interest, the public will know that the mediators are operating in the situation, but there will not be public hearings in the sense that the mediators will not sit behind the table and call witnesses and have the general public present to hear the presentation. In other words, they are trying to settle a controversy, not to make it worse.

Mr. HAWES. The policy, then, of all these mediations would be group conferences up to the point of disagreement, and then, and not until that time, does the public have any interest in them?

Mr. RICHBERG. When the parties have refused to arbitrate—of course, if the mediators bring them to arbitration, that settles the controversy, but if the mediators are not able to induce them to arbitrate, then you have a situation in which there may be a complete interruption of traffic as the result of a disagreement that is not settled by the machinery provided.

Mr. HAWES. So this whole machinery is to provide a forum by the United States Government where 2,000,000 men and \$20,000,000,000 capital can sit down and talk over their differences and adjust them among themselves without public interference, to the point where that disagreement brings a condition which would interrupt transportation, and then comes the provision for the President to act?

Mr. RICHBERG. Of course, prior to that—you recognize the operations of the Board of Mediation are themselves a public interference, only it is not done with a brass band or published in the papers. This is the operation of representatives of the public, speaking only from the public point of view and not giving a hang for the controversies of the respective parties, except as they can be adjusted.

Mr. HAWES. Now, after we have gone through these various processes of discussion and conciliation and compromise, then there is a method by which, on report of the Board of Mediation, the President may act, and then he selects a new group, an entirely new group, of men to represent him and to act for him and to act for the United States?

Mr. RICHBERG. Yes.

Mr. HAWES. Leaving in that special group selected by him the powers of recommendation?

Mr. RICHBERG. Yes, sir.

Mr. HAWES. Now, the question was asked, What is the binding force? One binding force is publicity, public knowledge of the facts. One other element I would think would be a contractual relation. Another element distinctly is the violation of any criminal statute, violence, conspiracy, etc., which I understand remain just the same and are not changed by the provisions of the bill.

Mr. RICHBERG. They remain unchanged.

Mr. HAWES. Do I understand this bill, Mr. Richberg, from my statement of it?

Mr. RICHBERG. I think you understand it thoroughly.

Mr. HAWES. I want to be clear, because we will have some discussion of it.

Questioning Mr. Thom:

Mr. HAWES. Mr. Thom, one of the very pleasant things about this whole matter has been the meeting of the minds of both parties. Yesterday I asked Mr. Richberg to give me his views of certain important portions of this bill, which he did with great frankness. In fact, this whole hearing has been marked by unusual frankness.

Now, in the matter of representation I learned from him that what might be called conciliation, prior to mediation, could be carried on by a great national group—by a consolidation of railroads, by a single railroad, by a short-line railroad—meeting with groups of employees of any sort. In other words, instead of a great national decision, it might be purely a local decision rendered by the Board of Mediation—

Mr. THOM. Not by the Board of Mediation; they have nothing to do with rendering a decision.

Mr. HAWES. They engage in a dispute; they bring the parties together, and their function begins.

Mr. THOM. And then after they bring the parties together the result is determined by the action of the parties. The Board of Mediation attempts to bring them to an agreement, first, as to the dispute itself, and if that fails, then an agreement to arbitrate. But the Board of Mediation does not render any decision.

Mr. HAWES. It does function, however, with the smallest possible unit of capital and the largest unit of capital, and with the smallest possible unit of labor and the largest possible unit of labor?

Mr. THOM. Yes, sir.

Mr. HAWES. And that may be one advantage that this law would probably have over the old Labor Board decisions, which they tried to make national in scope.

Mr. THOM. Mr. Hawes, will you permit me at this point to put into the record the exact differences between the old laws and the present laws for the convenience of the committee?

Mr. HAWES. I shall be very glad to have you do that.

Mr. THOM. Section 2 of the Newlands Act is practically the same as section 2 of the Erdman Act, to the following effect:

"That whenever a controversy concerning wages, hours of labor, or conditions of employment shall arise between an employer or employers and employees subject to this act interrupting or threatening to interrupt the business of said employer or employers to the serious detriment of the public interest, either party to such controversy may apply to the Board of Mediation and Conciliation created by this act and invoke its services for the purpose of bringing about an amicable adjustment of the controversy; and upon the request of either party the said board shall with all practicable expedition put itself in communication with the parties to such controversy and shall use its best efforts, by mediation and conciliation, to bring them to an agreement; and if such efforts to bring about an amicable adjustment through mediation and conciliation shall be unsuccessful, the said board shall at once endeavor to induce the parties to submit their controversy to arbitration in accordance with the provisions of this act.

"In any case in which an interruption of traffic is imminent and fraught with serious detriment to the public interest the Board of Mediation and Conciliation may, if in its judgment such action seems desirable, proffer its services to the respective parties to the controversy."

The condition precedent to a request from either party or to a proffer of services was, under that law, that there must be a condition interrupting or threatening to interrupt transportation.

Now, I wish to contrast that with section 5 of the pending bill, which provides:

"The parties, or either party, to a dispute between an employee, or group of employees, and a carrier may invoke the services of the Board of Mediation created by this act, or the Board of Mediation may proffer its services, in any of the following cases."

And then there follows a recital of the three cases, in none of which is it a condition precedent that a condition interrupting or threatening to interrupt transportation exists.

Mr. HAWES. I am assuming, Mr. Thom, that when this Board of Mediation is appointed it will look into the intent of the law and will consider the hearings before this committee. Now, the question was asked yesterday about the jurisdiction of this board where a dispute arose in connection with a road that was in the hands of receivers, and it was agreed that there would be no difference in the power; that the power would be just as great; that it would have no limitation by the act of a receivership; that is, that the administrative offices of the receivership would come under the operation of this board without any interference from the court. Is that your interpretation?

Mr. THOM. Yes. May I just give, Mr. HAWES, one or two parallel instances?

The power in Congress to regulate commerce is, of course, supreme. When a valid law is passed by Congress it becomes binding upon the courts. One of the things that Congress has done in regulating commerce is to authorize its representatives, the Interstate Commerce

Commission, to fix rates. Now, when those rates are fixed by the Interstate Commerce Commission on a road that afterwards goes into the hands of receivers, it is not in the power of the court to disregard those rates in operating the road. The same principle applies with reference to certain safety devices to be used in the operation of the roads. The regulation of commerce, if validly exercised by Congress, is the law as to the courts operating a receivership just as much as it is to a carrier that has been fortunate enough not to get into a receivership.

Mr. HAWES. Well, Mr. Thom, the theory of this law is that there is no compulsion in it any place, until the point has been reached where the Board of Mediation and the representatives of the two parties fail to agree; then it passes into the hands of the President, and from that moment it is his agency.

Mr. THOM. That is so. That is not the first time the obligations come in under the bill—

Mr. HAWES. No.

Mr. THOM. But the first time that there is a decided pressure upon the parties.

Mr. HAWES. Yes. And prior to that time there is the obligation—

Mr. THOM. Except this—not as qualifying what you say, but qualifying what I have said, there is outside pressure upon the parties, from the Mediation Board. But you are right in saying that that is the first time that force comes in under the whole bill.

Mr. HAWES. Prior to that time we have the binding power of contract on the one side and criminal statutes on the other for the enforcement of law. The machinery of the courts and the law now upon the statute books operate to their fullest extent up to that point. Then the force of the Federal Government is brought in in the extraordinary emergency.

Mr. THOM. There is a conflict of public opinion upon the merits of the question.

Mr. HAWES. Now, in the matter of publicity, I assume, naturally, that 95 per cent or maybe a greater per cent than that of all these disputes would be settled by the employers and employees without the Board of Mediation coming in at all, but when it does come in their findings are public property; they are open to the inspection of the press at any time. Then publicity does come in; there is no limit to it then. Approximately how much time has been consumed in the preparation of this bill? I mean, how many days or how many months?

Mr. THOM. I think that the parties got together for the purpose of effective negotiation in August, and it went on through a series of meetings, which Mr. Lee and Mr. Walber can describe to you and the dates of which I am not familiar with, until it came to us on December 21 for action by the member roads. Previous to that time it had been several times up before the executive committees in various shapes.

Mr. HAWES. Then this bill is the outcome of approximately five or six months' negotiation?

Mr. THOM. Five or six months.

Mr. HAWES. Five or six months' negotiations?

Mr. THOM. Yes, sir; with the foundation laid for it back in January of last year, a year ago.

Mr. HAWES. Regarding the argument which may be advanced over before the House, that both sides may agree to raise wages, resulting in increased freight rates or passenger rates to take care of that increase, there is nothing in this law that changes the present law in that respect?

Mr. THOM. Nothing, except that portion of the present law which gives to the present Labor Board the right to suspend agreements. Mr. Richberg has made his argument here that that is an invalid power. Anyhow, I am stating that merely as written in the present labor law.

Mr. RICHBERG. To make that perfectly clear, Colonel Thom and I do not agree, of course, on the point that it is written in the law; Mr. Thom feels, of course, that there is that provision written in the law, and I feel there is no such provision in the present law, and if it were so construed, it would be unconstitutional. But that is just a difference between lawyers as to the construction of the present law.

Mr. HAWES. But, in your opinion, this act will not change the present situation?

Mr. THOM. It will not, in my judgment.

Mr. HAWES. It will not increase the power of the roads and the unions to raise wages or lower wages or affect it in any way? There will be no change from the present conditions, as far as that is concerned?

Mr. THOM. Practically none. The reason I say practically is because of that provision in the law to which I have just alluded and on which Mr. Richberg has just commented.

Mr. HAWES. I have just one other question. I want to get back to the matter of these decisions of the Board of Mediation. The hearings of the Board of Mediation may be, as I have said before, from the largest possible unit to the smallest possible unit; they may be local and their findings not binding in a national way, either on the railroads or on the unions?

Mr. THOM. The Board of Mediation has no right to make findings; they have only the function of conciliation and persuasion. The adjustment boards have the right to make findings, and the board of arbitration has the right to make findings, and the emergency board has the right to make findings. But the Board of Mediation does not possess that function under this bill. Of course, I am not alluding now to the results of the action of the parties brought about by mediation.

Mr. HAWES. Oh, no. Now, from what you have said and from what Mr. Richberg has said, I understand this bill has been drawn as a result of many concessions on both sides, so that any change in it now might reopen on either side the present mutuality of agreement?

Mr. THOM. Yes, sir. Of course, Congress has absolute power to do with it what it pleases, but if it is changed in any substantial respects it, of course, relieves the idea of agreement; it destroys what they have done.

It is important that the meeting of minds upon this subject should be a part of this CONGRESSIONAL RECORD, because beyond the mere wording of the bill there exists a moral obligation, binding upon the roads and binding upon the men, to bring about a peaceful settlement of situations which might otherwise lead to disorder and interruption of transportation service.

How does this bill actually operate? We create under the law an official body called a Board of Mediation. When dispute arises this board appears upon the scene and using its power of conciliation attempts to bring the two parties into a meeting place where their differences may be discussed and worked out to an amicable agreement.

Failing to bring that result by a meeting of the minds of both parties, then the Board of Mediation may be called in again to assist in securing a third arbitrator, and the decision of the arbitrators is final and becomes a court judgment.

There is one assurance that the American people will have, and that is that from the beginning of a dispute, all through the period of conciliation, all through the period of mediation, all through the period of arbitration, and for 60 days following the calling of the emergency board by the President of the United States, there will be no strike, there will be no interruption of traffic.

Those who framed this bill are on record as stating that this is their interpretation of the language of the bill.

This moral obligation, this agreement entered into in response to the request of the President, has some binding effect, and it is supported by the record of debates in this Congress and the hearings before our committee, thus giving it force and effect far beyond that of the mere phraseology of this bill.

Mr. BLANTON. Will the gentleman yield?

Mr. HAWES. No; I will not yield. I do not like to refuse the gentleman from Texas, who occupied one full hour yesterday and who interrupted every other gentleman who spoke. I have but 15 minutes, and I must refuse.

Now, the condition which confronts this country and which confronted the roads and confronted the unions and the President of the United States was the fact that the administration of the Railroad Labor Board had broken down.

In some sections of the country the board was respected. In other sections of the country it was not respected. Unions refused to take their grievances before the board and some of the railroads refused to take their differences before the board. In many instances it became a tribunal before which litigants would not appear. So something had to be done. The two lines of thought naturally occurred to those who had that subject in mind. One was a bill built upon compulsion—a bill with teeth in it, a bill that said "You shall do this and you shall do that, under penalty of punishment or damages." That was one distinct theory.

The other theory was a bill providing for voluntary meetings and voluntary understandings. That is the theory adopted by both sides to the railroad labor controversy, and it was the theory suggested by the President of the United States, and it is the theory adopted by your committee.

So let us be frank about it. There are no teeth in this bill. There is no compulsion in it. It is the meeting of minds with the moral force that comes back of such an agreement. There is no teeth in it excepting the law of the land, the law against conspiracy, the law against violating a contract. In the last analysis, when agreement fails, the President of the United States appoints an emergency board. This is really a fact finding commission and its duty is to make known the real facts back of the dispute so that the public may be informed

as to the justice of each side's claims. The emergency board report will have back of it the power of public opinion, and back of the President of the United States in such an emergency are the courts and marshals of the land. Back of all is the Army, if needed to insure continued transportation. That point I hope will never be reached, but the power is there.

Gentlemen tried to split hairs on the floor of the House the other day about compelling a man to work. It can not be done by law, but if a group of men conspire they can be brought under the law as it exists to-day and punished for conspiracy. On the other hand, the violation of a contract taken into court will be decided by a court and a jury.

Mr. CHINDBLOM. Would the gentleman care to yield?

Mr. HAWES. I should prefer not for the present. I will yield in a few minutes. Now, the break down of the Labor Board was the emergency which created the necessity of some legislation. Let us face the facts. When this permanent body decided a dispute in favor of a railroad the unions objected and thought it was unfair. When this permanent Labor Board decided a dispute in favor of the unions some of the railroads thought it was unfair, so that finally we have a board with jurisdiction, but nobody would submit disputes. This bill brings into being a new thought, and that is that for each serious dispute a new board will be appointed. It does its duty and it passes out of existence, it moves away. That is the new thought in this bill.

There was an able man before our committee; a big man in mind, in training, in equipment, in knowledge of the subject, and he impressed the committee with great respect for his attainments, although the committee did not agree with him. He brought before that committee and discussed for hours a different kind of a bill, a bill with compulsion in it. That was Mr. Emery, counsel for the manufacturers. There is no man in this House who could have presented that case as brilliantly, as persistently, and as logically as did Mr. Emery.

I also asked Mr. Emery concerning his views of this bill. His answers are, in fairness, herewith inserted:

Mr. HAWES. Mr. Emery, I asked Mr. Thom and Mr. Richberg some questions at the conclusion of their testimony, because I want this record to give an expression of their opinion of the proper interpretation of this law. I would like to ask a few questions for the same purpose.

It seems that the President in two messages to Congress requested the parties in controversy, the railroads and the unions, to get together and submit a substitute for the Labor Board. That was followed by a conference of the two parties and the subsequent introduction into the Senate by Senator WATSON, chairman of the Committee on Interstate Commerce, and by Mr. PARKER, chairman of this committee, of the bill that we are discussing. The testimony of the unions is that they are unanimously in support of this bill. The testimony of the railroads is that they, on a basis of mileage 198 to 40, support this bill, and that 80 per cent of the roads support the bill, and so far as I have heard neither the 40 per cent on the basis of mileage nor the 20 per cent on the basis of numbers have made any objection to the presentation of the position of the roads made by Mr. Thom. So it would seem that, answering the request of the President, the parties have agreed and administration approval seems to be indicated by the men selected to present this bill in the House and in the Senate. I believe that is a correct statement of the situation, of the introduction of the bill up to this time.

Mr. EMERY. The question of fact; yes.

Mr. HAWES. Now, the public, of course, is interested in uninterrupted service, and I understand from both sides that the language of this bill is interpreted by them to mean that there shall not be a strike or a change of conditions until the emergency board appointed by the President in the last move has rendered its decision. So that both sides are on record that there will be no interruption of service at any time, from the first move until the final move, and it permits this to proceed even 60 days after this board appointed by the President has been in operation.

Mr. THOM. Thirty days after the board. Sixty days in all.

Mr. HAWES. Yes. I was interested in your suggestion that the Interstate Commerce Commission should be called in, because out of these controversies may arise an increase of wages which would ultimately affect the general public and the purchasers of transportation. I am not quite clear about your position. I would like to have you elaborate it for this reason: I can not understand how these boards of mediation or conciliation or arbitration could arrive at any decision on your theory unless the Interstate Commerce Commission first approved their findings. Is it your position that on every labor dispute involving an increase in wages that first the arbitrators or the Board of Mediation should report to the commission, and as a practical matter there should be no decision on labor disputes until the commission has passed upon it, and the commission could not pass upon it until it

went into the merits of the case. Now, what is your idea? I have not got that quite clear.

Mr. EMERY. I had made this suggestion in comparing the present law with the proposed bill: I said that under the present law the Railroad Labor Board had the power to suspend wage agreements arrived at voluntarily by the parties until it could determine whether or not it required a readjustment of the rate structure. That is the present law. Whether it is effective or not, it is the law. I had said this was a valuable safeguard of the public interest against the imposition of excessive charges on transportation, and I had said that my distinguished friend, Mr. Thom, and railroad executives thought so, so strongly, that they had again and again emphasized that in opposing the Barkley-Howell bill before the Senate committee.

I said that by the abolition of Title III of the transportation act that safeguard was lost, and with it public representation upon a public board passing upon a dispute with respect to wages, and no substitute was offered.

I suggested that one of two things had to occur: Either you abandon that public policy now in effect, or you transfer that power, if you abolish the Labor Board, to some other agency. There seemed to be no other existing agency, if you maintained the policy, that could exercise that power except the Interstate Commerce Commission, qualified by virtue of its position, experience, and authority to exercise that power. I therefore suggested that it be transferred to the Interstate Commerce Commission. That it possess the power to suspend a wage agreement until it could examine its effect on the rate structure.

I did that for two reasons. One, because it was an existent authority that had been proposed by the Congress of the United States in its wisdom as a safeguard, and there seemed to be no reason to abandon it and leave the public unprotected in that regard. Second, that the Interstate Commerce Commission was the only body that could do it. Third, that the Labor Board's power to do these things had been unchallenged during the five years in which this power has been in existence. That the deterrent effect of that power would be very great because it would mean that the parties in all negotiations must see, through the window of their room, the shadow of public vindication for any agreement they arrived at if it was questioned, which probably in the great percentage of cases it would not be. Do I make that clear?

Mr. HAWES. Yes; except in one thing. If your proposition was accepted and embodied in this bill, no labor dispute would be adjusted until it was first submitted to the Interstate Commerce Commission, where it involved the raising of wages. As to that, every dispute, no matter how trivial, would have to be reviewed by that body. As a practical matter they could not do it—or do you think they could?

Mr. EMERY. I think, as a practical matter, the result you speak of does not follow. They would not exercise that suspensory power except in serious cases. It is obvious there would be no occasion to exercise it in trivial cases, because it would not, on the face of it, require any readjustment of the rate structure. But suppose it involved some such situation as you are now confronted with. As this discussion proceeds, demands are being made, the effect of which upon the operating costs of the railroads is uncertain. But it is estimated at all sorts of sums from \$100,000,000 to \$500,000,000 from these demands, if such burdens are imposed upon the whole structure. Now, in such a case, surely if an agreement was made that was very great in its nature, there ought to be some body to inquire into its effect on the rate structure. It will have to do so eventually; why not when it is made?

Mr. HAWES. These gentlemen agree that this bill will apply to the smallest units of the union and to the largest; to the smallest roads units and to the largest. Now, a situation might very well arise on a small, short line which might not involve over \$50,000, we will say, but might seriously affect the earning power of that road and necessitate a revision of its rate structure. That would be just as important to that \$50,000 investment as it would be if it was a \$100,000,000 investment, and they would have the same right to appeal to the commission. So that it would ultimately involve an opinion to be handed down by the commission on every adjusted wage scale that came up in the United States between the employers and the employees.

Mr. EMERY. Well, is not that true, Mr. HAWES, now, if such adjustment affects the cost of operation so that a petition for an increased rate is necessary?

Mr. HAWES. But under your amendment I think the adjustments would have to be suspended until the commission had acted, and during that time the deliberations of the President's committee naturally proceed, and then the Interstate Commerce Commission will take the whole dispute into consideration in their determination of the wage scale. Your amendment, I believe, would prevent any adjustment of a wage dispute until the commission had first acted.

Mr. EMERY. It would prevent the agreement from going into effect until an examination had been had, if it was one of the nature described. That is all.

Mr. HAWES. So that the practical effect would be that after this dispute had proceeded through mediation, conciliation, and reached

the stage of even the emergency decision of the special board appointed by the President, that decision could not be operative until it was again submitted to the Interstate Commerce Commission?

Mr. EMERY. The last is not a decision, Mr. HAWES.

Mr. HAWES. The emergency board decision?

Mr. EMERY. Yes. That is a mere inquiry into the facts of the case as to who is right or wrong, if you please, for the benefit of the public in a dispute which threatens to interrupt commerce. It does not contemplate any judgment by the parties.

Mr. HAWES. It contemplates, however, an appeal to public sentiment.

Mr. EMERY. Yes, sir.

Mr. HAWES. In which the right or wrong of the controversy will be decided by the public sentiment, to be followed, if necessary, later by congressional action.

Mr. EMERY. I can only point out that during four years that difficulty has not arisen, and the deterrent effect of that provision is to be estimated by yourself.

All of the objections that are suggested here must have been in the minds of both Houses of Congress when they passed the present provision, and they regarded it as essential to safeguarding the public interest. Now, they can reconsider that and they can abandon it, or they can apply it to their new instrumentality with such modifications as their practical wisdom suggests; but it must be either abandoned or continued.

Mr. HAWES. Returning to the matter of the Labor Board and its abolishment, statements have been made here that the unions refused to submit their grievances to the board and that a number of the larger railroads, including the greatest of all the systems, I believe, the Pennsylvania, also refuses to submit its affairs to that board, and the President has recommended a change in the form of agreement of the two directly interested parties. In other words, do you think the Labor Board functions as it exists to-day?

Mr. EMERY. It obviously does not function to the satisfaction of the parties.

Mr. HAWES. To either party?

Mr. EMERY. To either party. In some respects it has been very highly praised by some of the railroad executives. In some opinions expressed by them publicly as late as January 2 in the Railway Age, some of the very representative executives expressed in their belief that it will function better in the future. As to that I express no opinion, but if it is thrusting back upon the parties the determination of their disputes between themselves, I am very glad to see it, because I think that is the most effective place to have them settled.

Mr. HAWES. The other amendment suggested is giving the power to the emergency board to summon witnesses and produce books and papers. Do you think that in this appeal to public opinion either side would refuse to produce any information that such a commission appointed by the President would ask for?

Mr. EMERY. Well, it may. I can only judge the future by the past, as I have said, Mr. HAWES. If parties to a controversy have flouted the President of the United States, why should they be so respectful to his agent?

Mr. HAWES. If it is an appeal to public opinion—and that is all this emergency board amounts to—prior to the application of the power of the President through the general machinery of the law, it seems to me that the case would then be decided by the public very quickly against either side that refused to bring any testimony or any witnesses summoned by the emergency board. There are no teeth in this bill, and that is what you do not like about it—excepting a forum by which the United States Government may ask these people to get together and adjust their differences, and upon the failure of that an emergency board appointed by the President of the United States that will tell the American people the true story of the situation. That is the final thing, and then that is followed by the power of the President to enforce by the courts or the Army. Is not that sufficient power?

Mr. EMERY. I think it is vital, Mr. HAWES, that when the parties—when their machinery has failed, the issue that remains is what shall be done to protect the public interest now threatened with an interruption of transportation. The parties are through with the problem. They can not settle it. Now, you are facing the situation which then results. Do you not feel that two things are now essential, that the interruption of service shall be prevented? If that occurs, we have a catastrophe. Is it unreasonable to suggest that clear obligations shall be laid upon the parties that every layman shall understand, not in ambiguous or uncertain language, but a plain duty on the parties not to do that, and we will all understand what our duties are then? And, secondly, if the President's commission is to make an inquiry, they ought to have as much power to do it as a private commission. It may not have to have any formal sitting or any formal procedure, but surely when the people of the United States act through their President their representative ought to move as one clothed with power and not merely as a private individual who comes in and begs the parties to let him have what he wants. The possession of power can not lessen his capac-

ity to function. It may place the parties who disobey him in the obvious and immediate position of disobeying a plain, legal obligation. It only makes more effective, in my opinion, this exercise of power by the President's committee in order to influence public opinion.

Mr. HAWES. It is apparent from the testimony of the representatives of the unions that they have made concessions; it is apparent that the railroads have made concessions, and on the face of it there is among them a difference of opinion between 80 per cent and 20 per cent, and with these concessions, concluding a negotiation of nearly six months, have arrived at a bill upon which there is a meeting of minds, and the thing that I am interested in is: If there is a change of language in this bill, will we not lose, unless this same agreement is preserved—will we not lose that mutuality of consent and approval which now exists? Is there not danger of that?

Mr. EMERY. I can see that. But I suggest, Mr. HAWES, that when you come to those provisions of the bill that are not directed to the machinery of accommodation but to the protection of the public interest, that the clarification of the language is a matter of duty on the part of the public representative, if he does not think it clear. It is surely a clearly defined duty that he act, especially in those sections that are aimed at public protection. And I wanted to say secondly that exactly the situation that you present confronted the Congress under the Newlands Act. The parties came in. They were perfectly agreed. They said this machinery would unquestionably operate; and if you changed any word in it, you would have a serious difficulty in getting the parties to agree. They were taken at their word, but did it work?

Mr. HAWES. And has there been an attempt made by Mr. Richberg, yourself, and Mr. Thom to agree upon these amendments?

Mr. EMERY. I discussed this matter at the invitation of the gentlemen, with them, before the bill was introduced. I did not see the draft of it, the final draft, until it was introduced. But I discussed these provisions with them and urged that those particular provisions be clarified, and they could not agree with me—that is, Mr. Richberg in particular. That is why the matter comes before this jury.

Mr. HAWES. Is it your understanding that both sides still object to changes suggested by you?

Mr. EMERY. Yes. And of course you understand that the changes I have suggested are—that is, substantial changes—I have not suggested that you adopt my language in particular; I have only undertaken to make a draft in order that you understand the nature of the amendment I propose; but I suggested that those provisions—that something like them was essential to adequately protect the public interest in the two things which I stated, and I submit that to the judgment of the committee.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PARKER. I yield the gentleman 10 additional minutes.

Mr. HAWES. The committee knew this bill could not well be part voluntary and part compulsory. One theory had to run through it all, so the amendments proposed by this gentleman were rejected by the committee. All compulsion is out of it and the committee is now in entire agreement excepting the construction to be placed upon one section of the bill.

My friend from Kansas [Mr. Hoch] has presented an amendment. In my judgment the amendment is dangerous. It is dangerous because under this new law not a single power now possessed by the Interstate Commerce Commission is taken away, not a single power is added; the power of that commission remains the same; but this amendment may compel a review of each arbitration by the Interstate Commerce Commission before a settlement by arbitration. Try to visualize what that thought would mean. A labor dispute is a serious thing. It is not conceivable that the railroads and the unions would corruptly enter into a deliberate conspiracy to do something that was improper. With the Hoch theory specifically placed in this bill you destroy the meeting of minds, you take the mutuality out of the bill.

Then, again, you may put in a section which means nothing. It may be a mere idle gesture, or it may be a very serious amendment, endangering the whole efficiency of this bill.

If the Interstate Commerce Commission should take the view that the amendment means that it "shall" go into the merits of every labor dispute settled by arbitration, it would mean that the whole time of that commission would be taken up with labor disputes. It would mean that no railroad company would present its cause to arbitration and that no arbitration could be made without the approval of the Interstate Commerce Commission.

To-day when a railroad president enters his office he enters the jurisdiction of the Interstate Commerce Commission. The man who walks the track comes under the jurisdiction of the commission.

No increase of rates of any kind can be made until a review has been had by the commission of the reasons given for the raise. There is no single thing connected with the railroad

industry of this country, even in the matter of earnings, that may not be taken into consideration by the commission.

So that this commission may look into any question increasing the cost of operation, honesty of operation, or the necessity that compels an additional expense. They have that power now. But if this amendment offered by my friend from Kansas is adopted the commission may read into the law a thing that is not there, that they are directed to go into the merits of an arbitration.

I doubt whether they would do such a thing; but if they did, what would happen? Would a strike settlement be put off until the commission had heard and decided every labor controversy on the thousands of miles, every controversy that would arise between all the roads and 2,000,000 men. It would be an impossible task for them to perform properly. There is no machinery by which they could proceed.

In the last analysis, when this great committee spends 10 days, morning and afternoon, in consideration of this subject, when a man of the attainments of Mr. Richberg, representing 2,000,000 men, and a man with fine attainments of Mr. Thom, representing 80 per cent of the railroads of the Nation, and then between the two comes Mr. Emery and advances his theory of compulsion, which was abandoned.

You must leave this bill alone; and if it fails on a fair test, the American people will know it, the President will know it, and then Congress may change its plan and report a bill with compulsion in it. But it should not be written until that period arrives. [Applause.]

Mr. DENISON. Mr. Chairman, I yield 20 minutes to the gentleman from North Dakota [Mr. BURTNESS].

The CHAIRMAN. The gentleman from North Dakota is recognized for 20 minutes.

Mr. BURTNESS. Mr. Chairman and gentlemen of the committee, when I opposed upon the floor of this House the so-called Howell-Barkley bill last year, I made substantially this statement: That I was one of those who believed that as Representatives here in Congress we are more concerned, and ought to be more concerned, about the interests of the unorganized public than with either the interests of the railroad employees on the one hand or the interests of the carriers upon the other, and that for the simple reason that both of the sides were so well organized that they are pretty well able to take care of themselves.

I also take the position that the public is interested not only in efficient and continuous transportation service but also interested in getting such transportation service at reasonable rates.

I make that statement at the outset, so that I can emphasize to my friends here concerned with the question as to whether this bill protects the public interest, the point of view which I had when we commenced in our committee the consideration of the bill which is now before us. With that point of view, after the arguments for and against the bill were presented fully and ably to us, I arrived at the conclusion that this bill in its fundamentals and its general purposes is the best solution of the vexatious problem of insuring industrial peace on the railroads of the country that has ever come before the Congress. I am supporting it, although my private viewpoint as one representing an agricultural district and my chief concern has been its effect upon the rights and interests of the unorganized public, at the same time having due regard to the rights of railway labor and of the stockholders owning the property used in the transportation service.

This bill is a tremendous improvement over the one that was proposed a year ago for similar purposes; and permit me to say that if this bill is half as good as the representatives of the railway employees' organizations have told us that it is, they ought to be willing to raise a monument to such men as Mr. COOPER of Ohio, who a year ago bravely, patriotically opposed the wishes of the men formerly associated with him in the labor movement and who in the public interest helped to defeat the Howell-Barkley bill and made it possible for this sort of a bill to be brought before you at this time. He deserves their thanks instead of their condemnation of a year ago. And the big heart of the gentleman from Ohio was pretty well indicated on the floor of the House on Tuesday when, in spite of the fact that strenuous efforts had been made by the railroad men to defeat him in the last campaign because of his opposition to the Howell-Barkley bill, he paid a wonderful tribute to the men who are to-day leading labor in this country. He is their true friend, although he has the courage of his own convictions.

Now, why do I support the bill? There are several reasons. I can only emphasize two or three of them very briefly in my limited time, because I want to concern myself mainly with some of the provisions of the bill which do give me consider-

able concern. The Labor Board, that has been so much discussed here on the floor, has been much discredited. What might be termed the morale on the railroads, both among employees and in the management, with respect to questions involved in wage schedules and the hope of fair settlement thereof is not good, because they have no confidence in the Labor Board. That does not mean that the Labor Board has not rendered some good service or that its work has been wholly bad.

The Labor Board, you will all remember, took charge of the various controversial questions involved at a time when it was most difficult for any public board to take charge of matters of that sort, at a time following the war, at a time when it was necessary first to raise railroad wages and then to decrease them, to make changes from time to time. It was only natural that within a short time both sides would become more or less dissatisfied with the decisions that were made and would be inclined to question the fairness of its decisions.

I have doubt, sincere doubt, whether any body consisting of representatives, as does the Railroad Labor Board, of three different conflicting viewpoints—representatives of the railroads, representatives of the employees, and representatives of the public—can ever function satisfactorily as a public board and render decisions upon questions so vitally concerning two of these parties, and particularly so when that board is a permanent one and will sooner or later have an accumulation of objections and criticisms made against it by one or both of the interested parties. A change is therefore in all probability in the public interest.

But stronger than that in this bill's appeal to me is the fact of agreement between the two parties most directly and immediately concerned. I agree fully with the statement that was made by the gentleman from New York [Mr. JACOBSTEIN] on the floor of the House this afternoon when he said that the best thing in this bill is not what is in it, but what is behind it. So in its general fundamentals, my friends, I am willing to accept the representatives of the carriers and the representatives of the employees at their word. I am willing to give them an opportunity to see whether the enactment of this bill will do what they so hopefully promise. I like the attitude of peace and desire of agreement they have shown before us, and hope it will continue. It augurs well for future peace and harmony.

In spite of that, my friends, I am not one of those who can agree that legislators representing the people here must take any bill that comes before us, even where there is agreement between interested parties, and simply sign upon the dotted line.

I contend it is still their duty to exercise judgment as to whether the bill can be improved or bettered for the best interests of the people as a whole. Therefore, I do want to urge upon you, and in my limited time I want to discuss, a number of important amendments which may not be regarded as absolutely vital at this time, but which I think would improve the bill without in any way changing the fundamentals thereof and without in any way giving either of the two parties immediately interested in this controversy any excuse, after we pass it, to say it is not their bill. We should not be alarmed about giving them some arbitrary or fantastic excuse. If they are looking for such to get away from the moral obligation of this bill, their agreement is not worth anything. More properly it is a question whether we would give them a reasonable excuse, an excuse which would appeal to the intelligence and judgment of the people in that regard, to avoid responsibility under the act. Having that in mind, I am earnestly supporting the purposes of the so-called Hoch amendment.

I do not agree with some of the members of the committee who contend that the enactment of the Hoch amendment would make the Interstate Commerce Commission an appeal board or a board of review with authority to determine or review wage schedules, although I do recognize that possibly the use of the word "merits" in the bill might by some be regarded as ambiguous and, at first blush, cause a little confusion. But there is nothing to that contention when you analyze the amendment. Let me read it:

Provided, That nothing herein shall be construed to preclude the Interstate Commerce Commission from considering the merits of any such arbitration award when determining freight or passenger rates or other charges.

The purpose of it, the sole purpose, as set out in the report to the House—and that would be considered by the Interstate Commerce Commission and the courts in construing it—is simply to reserve to the commission the right which it now has under the provisions of section 15a of the transportation act, to consider the question of whether any wage schedule is a

reasonable one, is an economical one, or an efficient one while performing a certain duty. When? When are they given the right to consider such question? Not after the wage schedule has been made, not on an appeal by either of the interested parties, but only when the commission exercises its statutory function to determine rates. That is all this amendment does. The right is given to the commission "when determining freight or passenger rates."

I submit that in writing this sort of bill we should be just as much interested in protecting the rights of the public upon any disputed or ambiguous proposition as we have been in this very bill in protecting the rights of the carriers or in protecting the rights of the employees on matters that might be considered ambiguous in any shape, manner, or form. Perhaps most of you who were here last night when I engaged in a colloquy with the gentleman from Minnesota [Mr. NEWTON] will recall that after he had very ably discussed the provisions of the eighth subdivision of section 9, which is a provision specifically safeguarding employees, I asked him whether in his opinion such subdivision added anything to the bill, or whether the employees would not without the eighth subdivision be just as fully protected as they would be with it—that is, whether the individual employee would not otherwise be protected against being compelled to work against his will or making his individual refusal to work a crime—and the gentleman from Minnesota [Mr. NEWTON] frankly answered yes. I asked him then what was the purpose of the subdivision, and the gentleman in substance said:

It is largely psychological, I presume.

I then asked him if the purpose was not simply to safeguard the rights of these employees on a proposition that might sometime, somewhere be regarded ambiguous, and he replied yes. The subdivision reads as follows:

Eighth. Nothing in this act shall be construed to require an individual employee to render labor or service without his consent, nor shall anything in this act be construed to make the quitting of his labor or service by an employee an illegal act; nor shall any court of the United States, or of any State, issue any process to compel the performance by an employee of such labor or service, without his consent.

We have done this in a proper way for the employees. Can the employees, the carriers, or anyone else complain if those of us trying to protect the interests of farmers and other shippers and the general public say that we want a similar safeguard for them written into the law by the Congress of the United States? Some say it is not needed; that the right is preserved anyway. Why not make it clear, so there is no doubt of it?

This is the purpose of the Hoch amendment. I am for it. I hope it will be adopted by the House, and if there is anyone here—

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. BURTNESS. I can not yield now. I have only a limited time, and I have a great many things I want to discuss.

If by any chance the Hoch amendment should be defeated, then I am going to offer another amendment, not at all different in its purpose, not a better amendment, but one the language of which might appeal to some as preferable. But, understand, I am for the Hoch amendment first, last, and all the time. I want to help put it across; but if it should be defeated, then I am going to offer this amendment.

I am going to offer it either in connection with the eighth subdivision pertaining to the employees, or as a separate subdivision to be designated as the ninth subdivision, reading as follows:

Nothing in this act shall be construed to limit the Interstate Commerce Commission in the exercise of its power to prescribe just and reasonable rates, to take into consideration the question as to whether the management of any carrier is honest, efficient, and economical.

You will note, gentlemen, I have adopted the language in section 15a of the transportation act, the only language which to-day gives to the Interstate Commerce Commission, when it determines rates, any jurisdiction whatsoever in trying to ascertain whether a wage schedule is a fair and reasonable schedule. They can pass upon that question not for the purpose of setting aside a wage agreement, or an arbitration award, but solely in determining whether in paying such wages the management is acting honestly, efficiently, economically, so that the commission can and should properly pass such expenses on to the public—to be borne by the public in transportation charges. Some of us deem it important to preserve that right even where the wages are the result of an arbitration award. In other words, the amendment which I

will propose if the Hoch amendment is defeated does only what the supporters of the Hoch amendment say in the additional views submitted with the committee report is intended to be wrought by the Hoch amendment. Eight members of the committee joined in those views.

Mr. HOCH. Will the gentleman yield?

Mr. BURTNESS. Certainly.

Mr. HOCH. The gentleman heard the argument of the gentleman from Illinois [Mr. DENISON], one of the able lawyers in this House, who says that the commission ought to be precluded from an inquiry, and opposes this amendment on the ground that they ought not to have any right to inquire into the merits of the arbitration award, which illustrates the necessity of this amendment.

Mr. BURTNESS. There is no question about that. The gentleman from Illinois is the only one that I have heard take that position. Now, Mr. Richberg—and no brighter man or keener lawyer ever appeared before a committee, and no one who is more loyal in representing his clients—stated positively in that connection that this right would not be taken away from the commission and the public by this bill, and yet we have heard on the floor of the House this afternoon from the gentleman from South Dakota [Mr. WILLIAMSON] that Labor, the official organ of some of the railroad employees, must disagree with Mr. Richberg. At any rate, Mr. Richberg's views differ from those expressed by Mr. DENISON. Let me quote Mr. Richberg's views, given as counsel for the organized railroad employees in the open letter addressed to Mr. Hoch in opposing the Hoch amendment:

The commission may at the present time undoubtedly determine what evidence is appropriate to guide its judgment in fixing rates. Therefore under the present law the commission could receive evidence to show that operating expenses were unreasonably high, and if such expenses were the product of collusion or favoritism, or for any reason unjustified, the commission could admit evidence to prove this and could refuse to sanction excessive operating charges.

In your statement you admit that the power of the commission to require reasonable rates is not disturbed by the bill in its encouragement of voluntary agreements. But an arbitration award is the product of a voluntary agreement, the same legal obligations of contract result, and it is just as necessary to permit the parties to obtain a contract by this method as to permit them to write a contract without outside aid, because in serious controversies this is often the only method whereby an agreement can be made. If, as you admit and we agree, the power of the commission to require reasonable rates is not disturbed by a contract resulting from voluntary agreement, the power of the commission is equally undisturbed by a contract resulting from an arbitration award. One contract has no more binding effect legally upon the commission than the other. The practical persuasive effect of any contract as a measure of reasonable operating expenses is to be determined in each case by the commission. The bill as reported does not in any way limit or modify the powers and duties of the commission in this regard under existing law.

If Richberg is right, what objection can there be to an amendment as proposed either by Mr. Hoch or myself? Oh, yes; we had Colonel Thom, who was asked if he agreed with Mr. Richberg. He hesitated considerably, his viewpoint representing the carriers was a little different; but he practically said, "Yes; I agree with that." "Well," he was asked, "if you agree, is there any objection in putting in such a provision that will with certainty safeguard the public?" What was his only answer? Substantially this: "This is only my personal view, and I can not agree to anything that would make it impossible for attorneys and other persons interested to raise the issue in the future." That is the strongest kind of an argument, my friends, in favor of some such provision as the Hoch amendment. Let us make it clear. Let us deprive railroad attorneys in the future of the chance to raise the issue. Let us write Richberg's and Thom's construction into the law and thus be assured that no right is taken away from the Interstate Commerce Commission to protect the public. I only regret that the answers of Colonel Thom were given to the committee after the hearings were closed, so that they do not appear in the printed record.

Mr. PARKER. Will the gentleman yield?

Mr. BURTNESS. Yes.

Mr. PARKER. Has the gentleman ever known any law to be passed that you could not find some lawyer to dissent from it?

Mr. BURTNESS. Construing laws is often difficult and subject to differences of opinion; but I have not known any legislative body willfully, openly, when drawing or considering a law approaching propositions that they find are going to be

disputed as ambiguous, refuse to try to make the language plainer so that there will be no ambiguity about it.

Mr. PARKER. Did not Mr. Thom say that he believed it did apply? Was not that his personal view?

Mr. BURTNESS. Yes; Mr. Thom said that, as I have indicated, and I am glad to get your corroboration of it into the RECORD.

Mr. PARKER. Some lawyers might hold otherwise, but has not the gentleman had people oppose him when he could not see any earthly reason for their opinion?

Mr. BURTNESS. What objection is there to trying to make this plainer now so that the railroad companies hereafter can not come in and make the contention Colonel Thom wanted to save for them? I want the distinguished chairman of our committee to answer this question now.

Mr. BUTLER. I want to know about that, too.

Mr. PARKER. I do not think it can be drawn so that some lawyers would not disagree to it.

Mr. HOCH. Will the gentleman yield?

Mr. BURTNESS. Yes.

Mr. HOCH. Since I made reference to the gentleman from Illinois [Mr. DENISON], I think his position is consistent, taking the view that he does, that the commission ought not to have the power to scrutinize. He is logical in opposing the amendment, but gentlemen who insist that the law as written in the bill does not preclude the commission from examining into it, seem to be entirely inconsistent.

Mr. BURTNESS. I agree fully with your logic but feel that I must go on without further interruption. Now, neither the Hoch amendment nor the one I propose would make the Interstate Commerce Commission an appeal board. I do not want them to become such; I want them to remain primarily a rate-making body, a rate-making body for the protection of the public. On the other hand, I do not want a law making it possible for carriers and employees to gain any advantage by collusion or otherwise and pass an unfair burden to the public. That is why I favor placing a provision into this bill insuring that the Interstate Commerce Commission is not in the future precluded from asking the question as to whether or not the management of that carrier is honest, efficient, and economical when it gets to considering reasonable rates. That is what we are trying to do when we urge an amendment. I am not one of those who believes that the Interstate Commerce Commission ought to be given power to suspend voluntary wage agreements. I think it would be unconstitutional to attempt to do any such thing. Wilson against New so holds in my opinion. I want to reserve for the parties their constitutional right to make their own contracts.

But in perfecting a law of this kind we should exercise care lest we make it possible for an agreement to be made either by collusion under economic pressure or otherwise and thus permit an improper burden to be passed on to the public. Let us remember that demands may be made under conditions when the management of the carriers may think it is cheaper to yield even to unfair demands than it is to submit to a long drawn-out strike, especially when they have a possible chance to pass the additional cost on to the public as higher rates. Let me quote what Mr. Hale Holden, chairman of the executive committee, Association of Railroad Executives, said to the Senate committee when they opposed the Howell-Barkley bill and which now seems to be forgotten even by Colonel Thom:

It was apparently felt by Congress, and with reason, that the parties should not be left to an uncontrolled agreement to increase wages or other forms of compensation, Congress well knowing from past experience that railroad organizations have frequently exerted what is technically called economic pressure upon managements to increase wages, accompanied by threats of strike and the taking of strike votes for the purpose of impressing the management with the seriousness of their intentions and of bringing about concessions and agreements, afterwards termed voluntary, but really in their essence often a surrender, either in whole or in part, by the management rather than submission to an actual crisis. * * * (Hearings, Interstate Commerce Committee of the Senate, S. 2646, March 18, 1924, pp. 42-43.)

I do not want to make it possible to let such a burden, if it is an unfair burden, be passed on to the shipping public. I want the management of the carriers, in other words, to know that whenever they agree to a wage schedule it should be a fair schedule if they want the public to pay it, and I think that is fair. That does not prevent the employees from getting fair wages. They deserve fair wages, and they ought to be well paid, not only for the work they do but for the hazard they undertake in doing the work. The fair wage should be paid by the public, but no more than that. If the carrier wants to give their employees more than that, it should

not have the right to pass the burden on to the public in the way of increased rates, and the Interstate Commerce Commission should not be expected to do so.

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. PARKER. Mr. Chairman, I yield the gentleman 10 minutes more.

Mr. BURTNESS. Mr. Chairman, I desire to use that time in discussing the provisions of the bill setting up the so-called emergency board. When the Board of Mediation is unable to bring about an agreement and arbitration is refused and the dispute is so serious as to threaten interruption of essential transportation service to any section of the country, the Mediation Board shall notify the President, who may thereupon create a special board to investigate the dispute and report concerning it. This is the board intended primarily to protect the public. It will be a special, unbiased board for each occasion, and will therefore not be impeded at the very start with such prejudices as now exist against the Railway Labor Board. After the creation of the board, and for 30 days after it makes its report to the President, no change shall be made in the conditions by the parties to the controversy except by agreement.

No such provision was found in the Howell-Barkley bill. I am frank to say that I should not be supporting this bill were not this provision or a somewhat similar one in it. The employees feel that they have yielded considerably in consenting to the creation of such boards. I can not see that either they or the carriers need fear such a board. The unorganized public may need it badly. Human nature among labor leaders and among managers of carriers is just the same as elsewhere. In the heat of controversy the disputants can not always agree, and one side or the other fears arbitration. A tie-up is threatened. The public must be protected. Life and health of millions of people may be at stake.

Is it too much to ask that in such case the public is entitled to have the facts and issues investigated and analyzed by an impartial board, give the public the benefit of its recommendations as to how the dispute should be settled in fairness to carriers and employees, and then permit the force of public opinion to enforce such decision? Surely no reasonable man can say this is unfair. I rely much on this provision in the bill, but I do at the same time wonder whether it goes as far as may be required for the best interests of all the people.

Mr. Chairman, considerable has been said upon the floor with reference to the alleged need of giving to the emergency board a power not provided for in this bill, namely, the power of compulsory process. If I were writing the bill, and if this question of the agreement of the parties were not an immediate factor, I would provide for such process. In view of the fact, however, that this is one of the things which at least one of the parties claims would go to the fundamentals of the proposition, I am inclined to think we ought to pass the bill without such provision, take a chance on it, and see what happens. I doubt whether it is very important. If it ever becomes necessary in order to get the parties hereafter to furnish all material facts to the board to give such board the power to issue a subpoena, then Congress can easily grant that power at such time by amendment. I would not now give either party the opportunity to avoid responsibility to carry out the provisions in good faith by saying that this is compulsion, to which they can not subscribe.

There are two or three other features about this emergency board to which I desire to call attention at this time. Do any of you realize that the bill as drawn—and I can not believe it is purposely or adroitly—does not require the report that is to be made by this emergency board to be public? I submit in all fairness that if any issue is so serious that it can not be settled by an agreement between the parties or by mediation, and if it is so serious that one or both parties will not agree to arbitrate it, if it becomes necessary for the President of the United States to appoint such emergency board in order to marshal public opinion behind the decision the board is going to make, that the public is at least entitled to have the report made public to find out what there is in it. Can there be any excuse or reason otherwise? I asked the question of Mr. Richberg whether it was the intent of the parties to this arrangement to make the report public, and he said yes. I then called attention to the fact that the bill did not so provide. He seemed just a little surprised at first, said it was a new question to him, but later on gave some reasons why he thought possibly it was just as well not to require making the report public. When Mr. Thom was before us I asked him whether it was the intent of the parties that the report should be made public, and he also said it was. To prove my assertions I shall include in my extension the very questions asked

and the answers given in that respect. I asked a representative of the public who appeared before us, Mr. Easley, of the National Civic Federation, the same question, and he said he thought the report was to be made public, and yet an amendment to make the report public, so that the people would have the benefit of it, was turned down by the committee. I can not fathom why. It surely does not go to the fundamentals of the bill, so that either party would be justified in refusing to abide by it. Again, read this bill carefully and you will find that there is no indication as to what the nature of the report shall be.

There is nothing in the law which says that when this report comes in it shall at least carry in it a decision as to the merits of the controversy. What is the purpose of the emergency board? There are only two purposes: First, to give the public the facts in an impartial, unbiased way; and second, to do that in such a way that the force of public opinion may be marshaled back of a decision that may be made by the board, so that both parties to the controversy will accept public opinion with reference to it.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. BURTNESS. Those are the purposes of it, and I do think that some amendment ought to be put into the bill, so that it is plain that it is the duty of the emergency board to report not only the facts but also their conclusion as to the merits of the controversy, so that there will be something definite behind which to marshal public opinion. I yield.

Mr. NEWTON of Minnesota. The bill says that it will be the duty of the board to investigate and report respecting the dispute. I can not figure it out in any other way than that they are to report their recommendations.

Mr. BURTNESS. The language is that—

Such board shall be created separately in each instance and it shall investigate promptly the facts as to the dispute and make a report thereon to the President.

On what? Not on the dispute, but make a report upon "the facts as to the dispute." You can not read into that any legislative command, as the gentleman from Minnesota [Mr. NEWTON] does, that there shall be a recommendation as to how the controversy should be settled. All I am asking for is to make it plain so that this bill will do what the gentleman from Minnesota and a large number of other gentlemen apparently think it does. At the proper time I shall offer such an amendment. If I were writing this bill substantially as it is in its general provision, including the emergency board, I would add another provision which I shall not at this time urge upon the House, although I think the time will come when it will be written into the law. I would give to the President the power to call an emergency board into being whenever, in his judgment, he believes there is such a controversy existing in the transportation system of the country so serious as to threaten substantially the interruption of interstate commerce to such a degree that any section of the country would be deprived of essential transportation service. Most of the Members of the House have probably read the bill carefully enough so that they know that there is no power given the President to establish an emergency board until the Board of Mediation has made its report to the President, to the effect that there is in existence a controversy so serious as to probably threaten the deprivation of some section of the country of essential transportation services. I have no objection to the legislative guide carried in the bill as to when this Board of Mediation shall make its report. I think that it is a proper legislative guide, but I think it would also be a proper and sufficient legislative guide for the President to follow without compelling him to wait for a recommendation from the Mediation Board. I take this position, that if the time comes when the President believes that the situation is so serious that the transportation system is likely to be interrupted so as to affect a vast section of the country, he ought not to be compelled to wait for a report to that effect from those whose sole duty it is to try to mediate the difficulties. Some of these days I think we will see that sort of a provision written into the law.

When this bill is read under the five-minute rule I am also going to offer an amendment, on page 27, line 24, to strike out the period, insert a colon, and add the following:

Provided, That the President may in his discretion extend such time in which the report is to be made an additional period of not to exceed 30 days.

What is the reason for such amendment? This emergency board is to be appointed. Under the language of the bill as drawn they are to have only 30 days, and that time can not be extended to do what—to investigate and to make a report.

Mr. RICHBERG, when he was before the committee, conceded that any of these disputes could be very extensive ones, very serious; that there might be a tremendous amount of evidence which would have to be analyzed. True it is not intended they are to procure all the evidence in detail as at a trial, but Mr. RICHBERG said that there were in many cases reports and piles of documents and evidence this high, indicating on the table, and under the bill that he asked us to adopt without change the board is limited to 30 days to analyze all of that evidence and to arrive at a decision on the merits of the dispute. By all odds let us get a report worth while, even if it means a few days' more delay. Oh, it would be entirely safe to give the President of this country a little discretion and a little authority to extend this period of 30 days. [Applause.]

Under the leave granted me to extend my remarks I merely want to insert some of the evidence submitted to the committee and some of the questions asked by me on a few of the matters touched on this afternoon. Consideration of these answers may be of value to Members in determining the merits of some of the amendments which will be offered to-morrow:

Mr. BURTNESS. You have presented this matter so fully and fairly that I hesitate at this late hour to ask any more questions, Mr. RICHBERG, but there are a few that occur to me that might come up for consideration when the committee reads this bill and passes on it section by section.

With reference to section 10, relating to the emergency board—as I understand your statement, when the board is finally selected and has made its investigation, it is the intent of those who have framed the bill that the report made to the President is to be a public report?

Mr. RICHBERG. Yes.

Mr. BURTNESS. There is, however, no language to the effect that such report shall be public inserted in the bill?

Mr. RICHBERG. No.

Mr. BURTNESS. Would there be any objection to putting in appropriate language carrying out that intention in the bill?

Mr. RICHBERG. I am not sure, Mr. BURTNESS, whether there would be any objection to that. I will give you my immediate reaction. I do not think the matter has ever been discussed, so far as we are concerned, because we assumed probably the report would be made public. There might be this question involved: This board might make a report to the President in which they might arraign one party very severely and apparently make out a very strong case against that party. The President might call the party and say: "If I make this report public, you are going to stand in a very unenviable light before public opinion. You would not be able to stand up against it, and I think you had better concede gracefully without having this report made public, rather than to put yourselves in the light of having had to yield to an overwhelming public condemnation."

Mr. BURTNESS. Assuming that either side to the controversy, either the carriers or the employees, might believe that the person who happened to be President at the time was somewhat biased in their particular favor, if the President in turn would have the right to keep that report confidential, might not that to some extent lead to the very thing that you suggested a day or two ago as a danger of the emergency board, that that particular side might delay, and to some extent preventing an agreement, all in this hope, "Well, it will go on and on and on, and eventually, even if it gets to the President and the decision is against us, he will probably call us in and we can get it fixed up then?"

Mr. RICHBERG. Of course, I will make this suggestion, that I do not know whether the President's discretion under this law would have any effect except as a matter of courtesy, because, of course, if he creates a board and the board makes a report—I am dealing now with a question that I had not considered before at all, the question as to whether that board itself has not, in the absence of any restrictions, ample power to give out its own report—there is nothing preventing it from doing it, there is nothing saying they shall make a confidential report, and as a matter of fact there is nothing in this bill as drawn that will prevent the board from issuing its report as it was filed with the President.

Mr. BURTNESS. But assume that we put in the word "public" between the article "a" and the word "report," so as to read "and make a public report thereon to the President"?

Mr. RICHBERG. I will say, Mr. BURTNESS, that this question has never been considered and I am only giving you my offhand impression. I do not think there is any difference in our thought that this is a public report. Now, as to what effect that might have on the law, I would like to discuss that with my associates, but I do not think there is any difference in our ideas that this is a public report.

Mr. WYANT. As it is proposed, it shall be left to the discretion of the President, whether it is public or not?

Mr. RICHBERG. I do not think so, under the law, because the bill as drawn provides that they shall investigate the fact and report to the President. Now, while they say "report to the President" it does not say "make a confidential report"—the reports of the departments here are all public documents—all ordinary reports of the departments here in Washington made to the President under the law are public documents. I do not know whether these laws in all instances say they shall be public documents, and I do not say all reports are public documents. I know a great many cases where the law provides that reports shall be made to the President.

Mr. PHILLIPS. Of course they could make the report confidential if they saw fit?

Mr. RICHBERG. I suppose so; yes.

Mr. BURTNESS. I notice also that this provision does not indicate the nature of the report. The word "report" is a very general term. Almost any sort of a document might be regarded as some sort of a report. I gather, however, from the statement that you have made, that the report shall set out specifically the facts and views of this emergency board upon the merits of the controversy that is involved. Am I right in that?

Mr. RICHBERG. Probably. I assumed that they will make the kind of report that they think is needed by the situation and would be most helpful.

Mr. BURTNESS. And set out in that report—as I have gathered, at any rate—the weaknesses of the positions of both parties, if such occur to them, as well as the strength and the fairness of their position in other respects. Would there be any objection to making that plainer by including appropriate words showing that that is really the intent of Congress if this bill is enacted, that this report which goes to the President is to include not necessarily a decision but to include at least the facts and the views of this board upon the controversy that is involved?

Mr. RICHBERG. I would simply like to say this, Mr. BURTNESS, that I know your suggestions are all helpful toward adjusting these controversies, but I want to make this suggestion so that my attitude may not be misunderstood.

Practically unanimously the employees' representatives in these conferences opposed as a matter of principle the creation of the emergency board, as I have tried to say before, not because they did not want the public to intervene or want the public to be informed, but because they were afraid if this was held out it would postpone settlement of the controversy, and they thought if a real emergency arose the President could create a board, law or no law. They conceded to the opposing opinion the desirability of writing in an emergency board provision. Now, every line of this has been written almost in blood and tears, and some of them with a lot of tears, and I do say to you, because I know your suggestions are in the best desire to make this law helpful, but I do say this in the present situation: I do hope that the Members of Congress on both sides will not, if possible, force us into any reconsideration of this emergency board provision, over which we have had a very hard time already.

Mr. BURTNESS. I do not believe you were here yesterday, Mr. Thom, when I asked Mr. RICHBERG as to whether he thought that the 30 days allowed in section 10 to the emergency board created by that section to make its investigations and its report to the President is a sufficient length of time in the more involved disputes that might arise and might possibly go up to the board. What is your judgment as to that?

Mr. THOM. That matter, Mr. BURTNESS, was a matter, I am told, of negotiation, the carriers asking a longer period and the representatives of labor deeming this period sufficient. This was finally agreed upon.

Now, as to its adequacy. I think that a labor dispute is not generally a matter which involves detailed examination. When it comes to the question of interrupting transportation there are large forces at work; there are large considerations which will determine the justice or injustice of the attitude of either party, and it is not likely that in those larger matters the things that would really determine the decision as to what is just or unjust—it is not likely that a decision in respect to that can not be reached within 30 days.

Mr. BURTNESS. It will take a little time for this board to get together and organize. It would probably be selected from different parts of the country, and I take it that it must set up a certain amount of machinery. You would agree to that, would you not?

Mr. THOM. I should suppose that the President would likely appoint a commission that would get together very promptly.

Mr. BURTNESS. They would have to appear very promptly?

Mr. THOM. Very likely. There is an occasion for promptness. If there is going to be an interruption of transportation, you want your remedy at once.

Mr. BURTNESS. The thought occurred to me that there might come before it in some cases a tremendous amount of information and evidence and testimony, possibly taken at different times, by the Board of Mediation—not necessarily in the nature of testimony, but information

gathered by the Board of Mediation that had tried to settle it. They would have to analyze the information that was available, and then arrive at a conclusion. And it occurred to me that in some cases 80 days would prove such a short time that instead of doing a good, thorough job in the matter they might arrive at a decision which would be more or less halfcocked and would not be as valuable to the President or to the public or to the parties in dispute if they were not working against that sort of time limit.

Mr. THOM. That is conceivable, Mr. BURTNESS. The situation here is this, however: As I say, this provision marks what these gentlemen, in the sensitive situation internally of a great many of their organizations, regard as a very great step in advance of anything they have heretofore agreed to. They feel that they do not want anything but a prompt method of dealing with the situation in the case of an emergency board. We feel that measures can be taken by an emergency board that would probably command the respect of the public within the time that these gentlemen want, and we are therefore willing to agree to make the effort.

Mr. BURTNESS. What is your understanding, Colonel Thom, as to whether the report to be made to the President under the wording of this bill would be a public report or not?

Mr. THOM. It has to be a public report; that is my impression.

Mr. BURTNESS. The bill does not so state?

Mr. THOM. Why, the President is a public officer, and the very object of it, the implication from the whole business, is that the report that is made to him shall be public, and if he does not pigeonhole it, it will be made public. Every inclination on his part, if he appoints a commission, would be to receive a report which would be made public. That would be the very object of it.

Mr. BURTNESS. At any rate, it has been the understanding of the proponents of the measure, if I understand you correctly, that the report is to be a public report?

Mr. THOM. Undoubtedly. I have not discussed that with these gentlemen, but that is my opinion. Do you agree with that, Mr. Richberg?

Mr. RICHBERG. Yes.

Mr. Walber, vice president of the New York Central Lines, was an important witness, as he was one of those who negotiated the agreement for this bill:

Mr. BURTNESS. Now, Mr. Walber, in connection with the questions asked by Mr. SHALLENBERGER pertaining to the attitude that the Interstate Commerce Commission would take with reference to either increases or decreases—I do not care which—that might have been made in the wage schedule by agreement of the interested parties, do you mean to imply that whenever there might be applications either for increases or decreases of rates because of changed conditions in the wage schedule that the commission would first examine whether those increases or decreases in the wage schedule are fair and reasonable? Would they not rather assume that unless the agreement reached had been reached through collusion or fraud of some sort that it is fair and act accordingly, and that they would not of themselves, either under the policy as laid down in the law or otherwise, enter into the question as to the fairness of the wages?

Mr. WALBER. I believe that unless some one challenged the justice of that wage bill, which the railroad would include in its expenses, the commission would accept it. But I had the personal experience as a witness before the commission of being questioned with reference to the right of a railroad to include as a part of its expense the increase in their wage bill produced by an arbitration award. I had to have the question asked me three or four times before I understood it. It seemed so far from the proper question that I could not believe the man meant it when he asked the question, because look at the alternative that faces the roads when they arbitrate.

Mr. BURTNESS. This was a question put to you by an examiner?

Mr. WALBER. By one of the counsel for the traffic associations; that is, the shippers' associations.

Mr. BURTNESS. It was not put to you by the Interstate Commerce Commission?

Mr. WALBER. No; Mr. Justice Brandeis was then the solicitor for the commission. I do not think he took the question seriously.

Mr. BURTNESS. In other words, then, in that particular case that you refer to the wage schedule had been challenged by somebody?

Mr. WALBER. Correct.

Mr. BURTNESS. The point is this: I thought there might be an impression created by Mr. SHALLENBERGER's questions, and possibly also by your answers, that it would be the duty in each particular case of the Interstate Commerce Commission, before it proceeds to determine rates at all, and in each and every case, to investigate the fairness of the wage schedule, even though that schedule had been arranged and agreed upon by the parties; and, as I understand it, that schedule would be accepted by the Interstate Commerce Commission, *prima facie* at least, as a perfectly fair and proper schedule unless it should be attacked by some party on the ground of collusion, or some other ground, when I conceive that they might then properly investigate that question.

Mr. WALBER. Well, you have stated my understanding better than I can do it myself.

Mr. BURTNESS. That is all.

The CHAIRMAN. Mr. HOCH.

Mr. HOCH. The case in which you were questioned, as I understand it, was a case where there had been an award of arbitration?

Mr. WALBER. Yes, sir.

Mr. HOCH. You would not have been surprised if that question had been asked you in a case where the wage scale had been fixed by an agreement, would you?

Mr. WALBER. No; I would not.

Mr. HOCH. Do you know of any case in which the Interstate Commerce Commission has refused an increase of rates on the ground that there was not economical and efficient management?

Mr. WALBER. Well, I do not follow the decisions of the Interstate Commerce Commission in these traffic matters. I do follow their rulings with reference to matters affecting labor, but in regard to traffic matters I would have to ask to be excused, because I am not associated with that department of the railroad. I am not competent to answer that question, Mr. HOCH.

Mr. Easley, chairman of the executive council of the National Civic Federation, supporting this measure, testified in part as follows as to the report to be made by the so-called "emergency board":

Mr. BURTNESS. What about the report that they finally make to the President? Do you want that to be a public report?

Mr. EASLEY. Certainly. I do not see why it should not be.

Mr. BURTNESS. Can you conceive any reason in the world why it should not be a public report?

Mr. EASLEY. Offhand, I can not.

Mr. BURTNESS. Your organization is in favor of it being made a public report?

Mr. EASLEY. That detail has never been discussed.

Mr. BURTNESS. But you personally have given careful thought and consideration to the question, and you say you are in favor of a public report?

Mr. EASLEY. It is not a point to which I have given any special thought, but I do not see why there should be any secret about it. However, the President could use his own discretion, as there is nothing in the bill on that point.

Mr. BURTNESS. That is all.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. CROSSER. Mr. Chairman, I yield myself 20 minutes. [Applause.]

Mr. Chairman and members of the committee, every effort to advance, every struggle for improvement, every longing for better things indicates an intuition of, an inborn feeling of the existence of perfection. The history of the human race is the story of man's needlessly painful struggle for happiness. It is a record of slow advancement from the time of man's most ignorant reliance on brute force for the purpose of effectuating his personal will up to the present time, when men are beginning to see that principle should, and, whether man will or not, does determine what is right, what is true, and therefore what only can be permanent.

To the primitive man his rough club which lay at the mouth of his cave was his God. At a later age his sword became the object of his devotion. Always man has cherished that which he thought would bring him good.

In the Anglo-Saxon and 20 other languages the word used as the name for God means good. Throughout all history, however, the whole trouble has been due to the misunderstanding of the nature and source of good. All of the agony and suffering of the human race has been due to the belief that good is that which man wills should prevail. That, of course, is a total disregard of principle. Justice is not created by persons. Men can merely bring themselves into harmony with justice. It is eternal, and men gradually awaken to a recognition of its existence, to a consciousness of its living essence. This truth must have been in the mind of Burns when he wrote the lines:

If I'm designed yon lordling's slave—
By nature's law design'd—
Why was an independent wish
E'er planted in my mind?
If not, why am I subject to
His cruelty, or scorn?
Or why has man the will and power
To make his fellow mourn?

Every attribute or quality of good, called by religionists God, is eternal, Herbert Spencer says:

That which is real is permanent; what is not permanent is not real.

All, then, that is real is good, and the apparent absence of good is due only to men's failure to open their mental eyes to see it. Justice requires only that it be recognized, that it be discovered; not that it be created by human hands or human minds.

Oh, the tragedies that have resulted from men's efforts to enforce upon the world their so-called personal wills instead of opening their minds to the light of justice. The misery of the slave, the agony of war, industrial strife—in short, "man's inhumanity to man"—are due to men's ignorant determination to enforce their own notions, whether or not they are in harmony with the ever-existing laws of justice. One is tempted to feel with the poet, that—

The days of the nations show no trace
Of all the blessings so far foretold,
The cannon speaks in the teacher's place,
The world is weary with work and gold,
And high hopes wither and memories wane,
The fires on the altars and hearths are dead,
But that brave faith hath not lived in vain,
And this was all that our watcher said.

The reassuring thought in the last two lines just quoted is what I want to keep in mind in advocating the passage of this bill. Employers and employees, in asking for the enactment of the measure, have recognized the certain injury to all that comes from a resort to force to gain their ends. They have seen the dawn of a new day. As a means of presenting to the public both sides of labor disputes, the men and the companies offer the plan embodied in this bill. Like a burning glass used to focus the rays of the sun to burn a heap of rubbish concealing a gem, so will the investigating boards provided for in this bill focus the light of justice to dispel the clouds of misunderstanding and confusion surrounding disputes and leave only the gems of truth. I believe that, more clearly than any measure yet considered by Congress, the bill now before the House recognizes the truths to which I have referred. More important, however, than the measure itself is the fact that it has been proposed by both the railroads and their employees, for this shows that they have seen the need for light rather than for weapons.

The bill provides for boards of adjustment, a board of conciliation, an emergency board, and boards of arbitration by which disputes are to be settled. These boards serve in a manner as courts to determine who is right and who is wrong, what is just and what unjust, in disputes between railroads and their employees.

It provides merely that the railroads and their employees shall at all times settle their differences by voluntary agreement if possible. If they fail to agree as to wages or working conditions, the question is to be brought before the board of conciliation. If that board is unable to settle the matter, the emergency board has a period of 60 days in which to work to bring the parties to an agreement. If the emergency board fails to settle the dispute, the railroads and the men, if they are willing, may bring the dispute before a board of arbitration, but they are not compelled to do so. There is no harsh procedure provided by the terms of the bill. Neither the men nor the companies would, by this measure, be forced to do anything not now required of them by law. On the other hand, all that could, by reason of this bill, be done by them to settle their disputes can now be done lawfully, if the parties were willing to do it.

The bill is an attempt to enable both employees and managers to deal with each other as freemen in regard to conditions of service and to make as sure as possible that neither shall become ruthless tyrants over the others. The idea pervading the whole bill is that men naturally desire to do right if given equal opportunity and equal voice with others interested in determining what is right. The most hopeful assurance of the success of the measure is the fact that both the railroads and the men are earnestly urging its passage.

Shall we then foolishly refuse to pass this measure providing means for the settlement of railroad-labor disputes? For centuries men of pure heart and clear mind have appealed for the use of reason instead of force for the settlement of controversies. Shall we now ignore their appeal? Shall we urge employer and employee to war when by providing them this means for settling their troubles we may have peace? Surely not. There are, of course, still some arrogant people who deny the right of workmen to discuss the right or wrong of terms of employment which may be offered them. Such people believe that the employee should, without protest, without discussion, accept what is offered for his services and be meekly

grateful for it. They say that if the man seeking employment is not satisfied with what is offered him he should go elsewhere. At first that might seem reasonable, but a little thought will show us that the means of production necessary to labor is controlled by a comparatively few, called employers, and that every employer in the same kind of business makes practically like terms and conditions for his employees. It was this fact which led to cooperation and organization among workmen for their mutual benefit and protection. Alone and unassisted by his fellow workmen the employee was compelled to accept for his labor enough only for a mere existence. That was intolerable. Civilization can not advance, the human race will not fully develop mentally or physically, until men are free from want and the fear of want.

Nevertheless, in the struggle for industrial freedom and economic justice to assure the payment to men of the full product of their toil, the purpose of those in the forefront of battle has not been to make millionaires of the oppressed nor to make employees the dictators of the world. Rather has it been their earnest desire to establish conditions which will enable men, employees and employers alike, to deal fearlessly and fairly with one another for honest service and just payment therefor.

When real freedom of thought and action for all men has been established, then will the fear of involuntary poverty vanish. Then will the hearts of men grow stronger, their visions broaden, their ideals become loftier. Then, in a word, will character begin to shine forth in full splendor. To this end only is it worth while to strive for things. Burns well states the true and only value of material wealth in the words:

To catch dame Fortune's golden smile,
Assiduous wait upon her;
And gather gear by ev'ry wile
That's justify'd by honor;
Not for to hide it in a hedge,
Nor for a train attendant;
But for the glorious privilege
Of being independent.

Let us pass this bill by an overwhelming vote, and if its enactment aids in the establishment of the reign of justice—as I know it will—we shall be happy for our part in making it law. [Applause.]

Let me discuss now for a moment the proposed Hoch amendment. They tell us that the public is not protected by the bill in its present form. Is that so? Since when did these millions of workmen and stockholders cease to be a very large part of the public? Certainly they constitute a very substantial part of the public. They tell us that the Interstate Commerce Commission, in considering a change of freight or passenger rates, might be barred by the terms of this bill from considering the reasonableness of an arbitration award regarding wages. The present law clearly gives the Interstate Commerce Commission, in determining the question whether or not rates should be increased or decreased, the right to consider the reasonableness of wages. Let me read the language of the act:

In the exercise of its power to prescribe just and reasonable rates the commission shall initiate, modify, establish, or adjust such rates so that carriers * * * will, under honest, efficient, and economical management and reasonable expenditures for maintenance of way, structures, and equipment, earn an aggregate annual net railway operating income equal, as nearly as may be, to a fair return upon the aggregate value of the railway property of such carriers held for and used in the service of transportation.

Mr. JOHNSON of Texas. Mr. Chairman, will the gentleman yield there?

Mr. CROSSER. Yes.

Mr. JOHNSON of Texas. I am interested in this question whether or not, if this bill is passed without amendment, the Interstate Commerce Commission will still have that power?

Mr. CROSSER. I am coming to that. That is why I read the language just quoted. It states as clearly as language can express it that the Interstate Commerce Commission, in considering an increase or decrease of freight or passenger rates, can consider the reasonableness or unreasonableness of wages paid by the railroads, and can consider every other expenditure bearing upon the subject of economical management. Does anyone here dare to say that if an advance of wages is justifiable, is reasonable, yet that if it affects rates we should refuse the increase? I do not think that any person here will go quite as far as that. Of course, the Interstate Commerce Commission can increase freight rates and passenger rates if it considers the expenditures made by the management of the

railroads to be reasonable. Does any Member of this House wish to go so far as to say that even if the wages agreed upon are just, or if the wages fixed by an arbitration board are just, yet notwithstanding these facts the Interstate Commerce Commission should refuse to readjust rates accordingly?

Mr. HOCH. Mr. Chairman, will the gentleman yield?

Mr. CROSSER. Yes.

Mr. HOCH. The gentleman does not understand that anyone here intended that a fair and just agreement should be disregarded by the commission. The gentleman does not want to be unfair?

Mr. CROSSER. Certainly not.

Mr. HOCH. I agree with every statement the gentleman has made, if they think the wage involved is unjust to the public.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. CROSSER. Yes.

Mr. COOPER of Wisconsin. The one proposition here is that the Interstate Commerce Commission has the right to decide whether an agreement between the road and the men is reasonable. The contention of the gentleman from Kansas [Mr. HOCH] is that the commission is to have the power to consider the merits of any such arbitration award, not the agreement of the parties but the decision of the appellate court over the award of the arbitrating board. That is a different proposition?

Mr. CROSSER. Yes; that is a different proposition. But it makes no difference whether the wage is fixed by express agreement of the parties, or by award of an arbitration board.

The commission has full power to consider the reasonableness of wages when it is determining rates. The language is too plain to require discussion. But gentlemen ask, What is the harm in saying that the commission shall have power to consider wage awards in determining rates if the commission has the power now? Let me ask why it is that none of these gentlemen who have become so hysterical about having it made certain that these wage rates shall be reviewed by the Interstate Commerce Commission—why it is that they never have thought of directing the commission's attention so specifically to the expenditures by the companies for rails, cars, railway stations, or a hundred other things?

Mr. ARNOLD. Mr. Chairman, will the gentleman yield?

Mr. CROSSER. Yes.

Mr. ARNOLD. After the arbitration award becomes a decree of court—and it may be under the provisions of the bill—does the gentleman think that the Interstate Commerce Commission will ever hold a decree of that kind to be unreasonable and refuse to adjust rates in accordance with it?

Mr. CROSSER. I understand the gentleman's question. What he really wants to know is this, Whether or not the award of a board of arbitration, after it becomes a matter of record, would have great moral effect on the Interstate Commerce Commission? Why, of course it would. We are providing for arbitration on the theory that it determines reasonably well what is right; and I would be very much surprised if the Interstate Commerce Commission should be so indifferent to the public weal as to wholly ignore the judgment of an arbitration board created according to law. Of course, they will give moral support to it, and the commission should do so.

Mr. ARNOLD. Does not the gentleman think it would have more than moral effect?

Mr. CROSSER. No; absolutely not. It could not have more than moral effect under the language of the present act.

Mr. HOCH. Will the gentleman yield?

Mr. CROSSER. Yes.

Mr. HOCH. The gentleman referred a moment ago to a distinction between reasonableness of wages and reasonableness of other expenditures. As the gentleman called our attention a moment ago, the language of the present transportation act does give them the power to supervise such expenditures.

Mr. CROSSER. Not any more than the other expenditures.

Mr. HOCH. Not at all.

Mr. CROSSER. Looking to economical management they can review all expenditures.

Mr. HOCH. Certainly; and they ought to be kept with the power to review all of them.

Mr. CROSSER. There is not a specific statement in the law about the commission's power to consider particularly any expenditures. There is nothing said about considering the reasonableness of expenditures for roadbeds or anything else. I have just read the law.

Mr. HOCH. The gentleman knows the language is reasonable expenditures for maintenance, structures, and equipment. That is in the law now.

Mr. CROSSER. I have read that.

Mr. HOCH. And that is an answer to the gentleman's statement.

Mr. CROSSER. No; it is not.

Mr. LOZIER. Will the gentleman yield?

Mr. CROSSER. For a question; but do not take up too much of my time, please.

Mr. LOZIER. In the last analysis the Interstate Commerce Commission has plenary power now.

Mr. CROSSER. Absolutely.

Mr. LOZIER. And there is nothing in this bill that emasculates that power.

Mr. CROSSER. Or, that divests the commission of that power. And moreover, if the commission has not now that power, this amendment does not give it the power. [Applause.]

If I were one of those who really believed that the law does not now give the commission the power and that it should have that power, then I would make this amendment so clear in its language as to make it absolutely sure that the Interstate Commerce Commission would be required to review every wage award. But the advocates of the Hoch amendment admit that there is no language in the bill which takes away from the commission any power which it now has. Well, if the commission now has the power to consider the reasonableness of wages, there is not a thing in the bill now that takes away that power. But they ask, if the substance of the Hoch amendment is now law, what is the objection to it? The objection is that it is an open and specific invitation to the Interstate Commerce Commission to review every wage settlement and so discourage, if not prevent, any effort to establish peace in the railroad business. That is the objection to it. It is an open invitation to upset every wage settlement that may be made.

Mr. WINGO. Will the gentleman yield?

Mr. CROSSER. I yield to the gentleman for a question.

Mr. WINGO. I would like to get the gentleman's idea on this proposition, because this feature is worrying me somewhat in trying to make up my mind with reference to this particular amendment. It is true now that under the law they can pass upon the reasonableness of all these expenditures, including wages.

Mr. CROSSER. Yes.

Mr. WINGO. Because they have original jurisdiction of that question by specific grant of statute. As I understand your bill, this arbitration award is filed in a court, and it becomes, by the very language of the bill, a final decree. Now, can any other body attack that decree collaterally?

Mr. CROSSER. No; I do not see how it could.

Mr. WINGO. That is the question that is bothering me. If they can not do it collaterally—

Mr. CROSSER. Let me answer the gentleman's question.

Mr. WINGO. May I state the other proposition so that the gentleman can cover my whole trouble? If they can not attack it collaterally, then is it not binding and conclusive?

Mr. CROSSER. As between the parties.

Mr. WINGO. Until attacked directly.

Mr. CROSSER. As between the parties only.

Mr. MOORE of Virginia. Not as to the public.

Mr. CROSSER. It is only binding as between the parties. That is all. The language is clear all through the bill. Let me read the language of the bill:

Shall provide that the award when so filed shall be final and conclusive—

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. BARKLEY. Mr. Chairman, I yield the gentleman five minutes more.

Mr. CROSSER. This is the language of the bill:

Shall provide that the award when so filed shall be final and conclusive upon the parties.

All through that section and throughout the bill it is provided that the award shall be final and conclusive upon the parties.

Mr. WINGO. May I ask another question?

Mr. CROSSER. And the gentleman is lawyer enough to know that no matter what kind of judgment may be entered in a controversy between the gentleman and myself, the rights of nobody else can be affected by that judgment. So would it be with the wage award.

There would be no necessity for making the award a judgment of court if the board of arbitration were given some machinery to carry into effect the terms of any arbitration award that may be made. There is no necessity for providing for such boards another set of clerks and marshals. The awards can be entered on the records of the courts and then

be enforced as original judgments of the court; but, mark you, only upon the parties to the award.

Mr. WINGO. What do you think would be the answer to this question? Suppose they get into a dispute over a proposed raise in wages and they can not agree, and, finally, there is an arbitration award that is filed in the court, and then the railroads go to the Interstate Commerce Commission, and one of the grounds for increased rate is that this arbitration award has added a certain number of millions of dollars to the operating expenses by way of wages, and suppose it should be urged there that that is binding only upon the parties and that it is not binding upon the Interstate Commerce Commission. I understand that is your position.

Mr. CROSSER. Yes.

Mr. WINGO. Suppose this answer is made to the Interstate Commerce Commission: While it is true that it is only binding upon the parties so far as the language of your act is concerned, yet Congress did not undertake to specifically alter or change, by any direct provision, the authority of the Interstate Commerce Commission, and suppose it was argued they would still have the same power they had all the time, what would be your answer to that?

Mr. CROSSER. I would say, as I have already said, that the Interstate Commerce Commission still would have the power to review wage scales.

Mr. WINGO. Suppose the other answer is made, that by implication at least we are taking that power away from them.

Mr. CROSSER. I have allowed the gentleman to use a lot of my time, and I regret I must decline to yield further.

Mr. WINGO. I was not asking these questions in a controversial spirit. I am in trouble as to what would be the effect, and I want to get the gentleman's idea about it.

Mr. CROSSER. It seems to me perfectly clear that this arbitration award can rise to no higher dignity than an agreement deliberately made by the parties. What actually happens in the case of an arbitration award is simply that the parties authorize three gentlemen or six gentlemen to get together and write an agreement for them.

Mr. JACOBSTEIN. Will the gentleman yield?

Mr. CROSSER. I will yield.

Mr. JACOBSTEIN. Is not the great danger in giving the commission power under the amendment that it prolongs the final decision on the merits?

Mr. CROSSER. I do not admit that it gives the commission any more power than it already has or takes away any power. The amendment invites it to meddle in every arbitration award, although for years we have heard complaints about men being unwilling to arbitrate.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. PARKER. Mr. Chairman, I yield to the gentleman from Nebraska [Mr. McLAUGHLIN].

Mr. McLAUGHLIN of Nebraska. Mr. Chairman and gentlemen of the committee, I wish to congratulate the members of the Interstate and Foreign Commerce Committee for the great service they have rendered to the country in reporting favorably the bill under consideration.

After reading the bill and the report carefully it is my judgment that the provisions of this measure will add to the efficiency of the transportation system by affording a sane and practical method for the settlement of disputes between the operators and the employees. By providing in this manner for a better understanding between those concerned and for an effective settlement of points of dispute increased efficiency will follow in the transportation service. The great agricultural States, in the center of the Nation, which are obliged to ship out a great portion of what they produce and ship in a very large proportion of what they buy, are at a disadvantage, and anything that will add to the efficiency of the transportation system will add to their convenience and prosperity. The United States ships over the various railroads of the country every year in intrastate and interstate commerce more tonnage than is carried annually by the railroads in all the rest of the world. We are so mutually dependent upon one another in every section of the country for the necessities we manufacture and produce that when the transportation arteries of the Nation are tied up, even for a day, there is not only great inconvenience incurred in every part of the Nation, especially in the large centers of population, but even the health and welfare of the people are jeopardized.

Gentlemen, I have had the esteemed privilege of association with you here in this branch of the Congress for seven years, and I have not burdened you by occupying a great deal of time in debate, so with your sufferance in the remarks I am about to make I wish to say a few things about the great State of Nebraska. With all of the advertisement the Nation

regularly receives concerning the wonders of California and Florida and some other parts of the Nation, I believe Nebraska is entitled to some consideration.

I am reminded of a booster from California who was asked to say a few words at a funeral service; whereupon he responded, "I was not sufficiently acquainted with the deceased to add anything to what has already been said by others, but, if it is in order, I would like to make a few remarks on California."

While I have no desire to make any statement out of order, I do believe, in view of the transportation problems now under consideration, Nebraska and other States which require large shipping facilities are properly entitled to a hearing.

Nebraska is one of the States in the interior, which, because of its great production of agriculture products, must have in common with her adjoining States adequate and effective transportation service every day of the year. It may be interesting to my colleagues, who have not had the opportunity or taken the time to study the great productivity and possibilities of the State, which we Nebraska Representatives are justly proud to represent, to take note of the following facts:

There are five great crop staples upon which civilization depends—bread stuffs, meat stuffs, wool, sugar, and cotton. Only one State in the Union produces four of the five in surplus, and that State is Nebraska. We produce a surplus of all of these staples except cotton. Our butter and egg production every year is worth more money than all the gold and silver dug from the mines of the United States and its possessions. Our corn crop is worth more than the citrus-fruit crop of California. We produce more beef and pork per capita than any other State. Nebraska is the third largest wheat-producing State, the third largest corn-producing State, and the third largest alfalfa-producing State, and the youngest State of the Union which produces these things in surplus.

Nebraska hens annually produce 300,000,000 dozen eggs, or 3,600,000,000 eggs, which placed end to end would make a line of eggs over a hundred thousand miles long, or reaching four times around the earth at the Equator. They are worth more annually than the steel rails rolled in the Pennsylvania mills. Notwithstanding this tremendous production in Nebraska, a noted economist recently stated that Nebraska is only realizing one-tenth of the potential possibilities from Nebraska's fertile soil.

Omaha is the largest butter market in the world, and the world's second largest livestock market. In the little town of Deshler, Nebr., located in Thayer County in the fourth district, which I represent, is the largest broom factory in the world, where shipments of brooms are made to almost every country on earth.

Mr. Will M. Maupin, a well-known newspaper man in Nebraska, now connected with the Omaha Bee and who was recently labor commissioner of Nebraska, has pictured some of these statistics in a most interesting manner. In his imagination, after compiling his figures on Nebraska products, he loaded all of the grains and grasses, all of the poultry, eggs, and butter, all of the livestock and fruit annually produced in the State on freight cars of standard size, loaded to full capacity. In order to assemble these cars he had to have plenty of room, so in his imagination he took them all over to the vicinity of St. Petersburg, Russia, where there was unlimited space. He coupled all of these cars into one train, attached a locomotive, and started out. From St. Petersburg he sent the train down to the coast of the Baltic; then across Germany, Holland, and Belgium; thence across an imaginary bridge to England; across England over an imaginary bridge over the Irish Channel to Ireland; across the Atlantic over an imaginary bridge to New York; from New York to Buffalo; from Buffalo to Cleveland; from Cleveland to Chicago; from Chicago to Omaha (where, of course, they stopped for coal and water); from Omaha to Salt Lake City; from Salt Lake City to San Francisco. Then he started the engine out on an imaginary bridge built 1,750 miles westward into the Pacific Ocean, and the moment the locomotive tipped off the end of the imaginary bridge 1,750 miles west of the Golden Gate, the caboose was just leaving St. Petersburg. That train was more than 11,500 miles long, every car filled with products of Nebraska soil, raised in a single year. If the engineer had desired to blow the whistle of the engine as a signal to the conductor in the caboose, he would have had to blow it 9 hours and 18 minutes ahead of the time he expected the conductor to hear it.

Naturally, my colleagues, we Nebraskans are proud of our State. We have a fertile soil, a most healthful climate, and a citizenship that for energetic effort, intelligence, and wholehearted good fellowship, is not surpassed by any other citizenship in the world. Former Secretary of Agriculture Wilson, while a member of the Cabinet, declared the Blue Valley

country of Nebraska, which I now represent, to be the richest agricultural area of the world. I heard a story one time of a bishop who dreamed he died and went to heaven. He was being shown about that wonderful, ethereal city, through the streets of gold and by the pure, sparkling fountains and rivulets, past the tree of life which produced "12 manner of fruits" annually and which fruits were for the healing of the nations. As he was congratulating himself and all others who had been so fortunate as to be admitted into that heavenly city, where complete happiness reigned, where eternal life was assured, and where all tears had been wiped away, he suddenly spied one lone man whose both feet were chained to a tree. This greatly aroused his curiosity, and he said to the angelic guide who was showing him about, "Why do you have this man chained?" Whereupon the guide replied, "While on earth he lived in Nebraska and he wants to return."

Inasmuch as Nebraska and other States in the center of the country produce a very large part of the necessary food of the Nation and the world, it is imperative in the interest of both producer and consumer that we have adequate and economical transportation service. There must be a way worked out for the reduction of freight rates, and that speedily. The cost of shipping our raw products out and of shipping our manufactured articles and processed foodstuffs in is entirely too high in proportion to the price received for our products. We pay the freight going and coming. To the end that better and cheaper transportation shall be afforded those whose duty it is in large part to feed the world, Nebraska is naturally in favor of the earliest possible development of the inland waterways. The Mississippi and her tributaries, including the Missouri as far north as Yankton, S. Dak., must be developed for barge service at the very earliest hour. In my judgment, one of the greatest things that the Government can do to help solve the agricultural problem in the future is to develop these waterways. Compared with other nations, we are far behind in water transportation. Nature has given us these great river systems, and it only requires the engineering hand of man, with the expenditure of a few million dollars, to perfect and connect a chain of inland waterways which will excel all others in the world.

Nebraska, too, is tremendously interested in the speediest possible construction of a canal from the Great Lakes to the Atlantic coast, sufficient in depth to permit ocean liners to dock at the lake ports for the purpose of loading and unloading their cargoes.

As a member of the Agriculture Committee of the House, I am in favor of working out as quickly as possible the best farm-relief measure that can be had, so far as Congress can, by legislation, render aid in this direction, but my belief is that by the construction and perfection of these inland waterways and the construction of an ocean canal from the Lakes to the Atlantic, a greater and more far-reaching service and help will be extended to the agricultural States of the Central West than has yet been realized in the entire history and development of the Nation.

Mr. BARKLEY. Mr. Chairman, how much time is there remaining?

The CHAIRMAN. The gentleman from Kentucky has 20 minutes remaining, and the gentleman from New York 13 minutes.

Mr. PARKER. Mr. Chairman, I yield 13 minutes to the gentleman from Maine [Mr. BEEDY].

Mr. BEEDY. Mr. Chairman and gentlemen of the committee, I am very much indebted to the Members of the House for the intelligent manner in which while in session in Committee of the Whole this subject has been discussed. In my attempt to pursue the issue I myself have at times become confused not only as to certain provisions in the existing law but as to the import and effect of certain conditions and provisions in the proposed law. In the course of the debate some exchange of ideas was indulged in between the gentleman from Kentucky [Mr. BARKLEY], the gentleman from Arkansas [Mr. WINGO], and myself with reference to the meaning of section 3 in the existing transportation act of 1920, which gives to the Labor Board the power of suspending wage agreements. I think I am now clear myself on the provisions of that law, and I submit it to the membership of the House so that they may formulate their own conclusions.

The provision to which I wish to call attention reads as follows. It is section 3, subsection (b):

The Labor Board may upon its own motion within 10 days after the decision, in accordance with the provisions of section 301, of any dispute with respect to wages or salaries of employees or subordinate officials of carriers, suspend the operation of such decision if the Labor Board is of the opinion that the decision involves such an increase in

wages or salaries as will be likely to necessitate a substantial readjustment of the rates of any carrier.

Now, let us turn back to section 301. What kind of a decision can be made under that provision? It reads:

It shall be the duty of all carriers and their officers, employees, and agents to exert every reasonable effort and adopt every available means to avoid any interruption to the operation of any carrier growing out of any dispute between the carrier and the employees or subordinate officials thereof. All such disputes shall be considered and, if possible, decided in conference between representatives designated and authorized so to confer by the carriers, or the employees or subordinate officials thereof, directly interested in the dispute.

When such disputes have been decided, decisions are, of course, made, and it is those decisions which under the terms of this act, I contend, are to be suspended under the powers herein granted to the Labor Board. They result from those disputes "decided in conference between representatives designated and authorized," and so forth.

The remainder of the section provides that if any decision is not reached in the conference the dispute shall be submitted to the Labor Board. Obviously, the Labor Board can not suspend a decision where there was a failure to make any. Therefore the only decision possible within the terms of section 301 is that growing out of a dispute between the representatives of the carriers and the employees, and passed upon in conference. Such is the decision which, if it involves such an increase in wages as will be likely to necessitate a substantial readjustment of the rates of any carrier, such is the decision which under existing law the Railroad Labor Board may suspend. Such a power is vital to the interests of all concerned. The most grievous fault in this bill is that it fails to transfer the power now reposed in the Railway Labor Board to any other agency of the Government. Surely such a transfer could work no harm to the railroad employee, and it could work no harm to the railroad executive. It would exist as a mere reviewing power to be exercised in behalf of all concerned if, and only if, the power to make voluntary wage agreements were abused. Such power to suspend might never be exercised. It never has been exercised under existing law, but its value as a deterrent to uneconomic wage-dispute settlements is inestimable. Such a power should be carried forward into the bill under consideration. But the fact is that the parties who have agreed upon this bill are opposed to any such power of suspension and review. They say, "Pass this bill just as we wrote it." They say, "Let us have this law just as we want it. Let us then experiment with it, and then if it fails, the public through legislation may take such steps as it may deem necessary."

My answer to that is that if parties wish to make an experiment in our laboratory, we are perfectly willing—yes, we will even encourage the experiment. But I want some precautionary steps taken which will prevent the blowing up of our laboratory while the experiment is going on.

Let us not deceive ourselves at all about the provisions of this bill. There is not only no such protective or precautionary provision in it—but the so-called Hoch amendment, which is to be offered, does not contain the proper remedy. The proposal embodied in the Hoch amendment and its relation to this bill is similar to the case of a man who, unable to use his arm, is suffering from neuritis, in view of which it is proposed to put a plaster on his big toe. You may adopt the Hoch amendment, and it may prove helpful, but if you wish to apply the proper corrective you will insert in this bill a provision designed to transfer to the Interstate Commerce Commission the power now lodged in the Railway Labor Board to suspend a wage agreement which threatens to necessitate substantial rate readjustments until all the facts can be investigated.

Let me call attention to another provision in this bill, the proviso under section 7. We are told that there is a legal and moral obligation on the parties under the terms of this bill to submit their disputes finally to arbitration. Read with me the proviso injected into section 7, to which I think no one has yet directed our attention:

Provided, however, That the failure or refusal of either party to submit a controversy to arbitration shall not be construed as a violation of any legal obligation imposed upon such party by the terms of this act or otherwise.

So that under the terms of that provision there is no obligation, legal or moral, upon either party to submit their disputes to arbitration by a process either within or without the provisions of law.

I call attention to another thing, and it seems to me that it is unmistakable. There is no provision here to preserve the status quo pending attempts to settle disputes. The attorney

for the employees, Mr. Richberg, finally admitted that he did not know whether the bill provided for that or not, and Mr. Thom, who represented the other side, said in the Senate hearings when asked if the so-called status quo clause in section 10 of the bill was not a purely voluntary arrangement between the parties and whether there was any way of enforcing it, here is his reply:

I think that we could write machinery into the bill, but it was not considered necessary.

Mr. Thom knew very well that there was no provision in this bill assuring the public uninterrupted transportation during wage disputes. Yet, in the enactment of legislation of this sort it is the prime obligation of Members of Congress under their oaths to make provision for continuous transportation in the public interest.

When my colleague, Mr. NELSON, inquired in the course of the House hearings whether a classifying amendment imposing the unquestioned obligation on the parties of maintaining transportation conditions in status quo pending disputes, his inquiry was met with a curt refusal.

There is not in this bill, nor was there intended to be, any assurance of protection in this regard for the party chiefly concerned, the helpless public.

Now permit me to deal briefly with the power of the Congress over interstate commerce. This whole debate has proceeded upon the theory that we ought to pass this bill unamended, because Congress is powerless to interfere in wage contracts. Is there any Member of this House who will deny that under the Constitution power is given the Congress to regulate commerce between the States? Is there any Member who will deny that as an incident to that power Congress can, through the proper governmental agency, regulate rates? Is there anybody who will say that as an incident to the power to regulate rates the Congress is powerless to consider wage contracts which we are assured constitute 60 per cent of the cost of transportation? What is the ultimate interest of the public in transportation? That transportation shall be uninterrupted and that it shall be rendered for a reasonable charge. Again and again the Supreme Court has said that if you concede the end to be attained under the original grant of constitutional power, you must concede that the Congress can not be deprived of the reasonable means for attaining the end to be sought.

I do not agree with the interpretation which some Members seek to put upon the recent decision of the Supreme Court in the case of *Wilson against New*. That case is cited here to substantiate the claim that Congress has absolutely no power to concern itself with railway wage contracts. Let me read you from the majority opinion of that decision. Mr. Chief Justice White, in that portion of the opinion where he considered the private right of contract from the viewpoint of the railway employee, said:

Here, again, it is obvious that what we have previously said is applicable and decisive, since whatever would be the right of an employee engaged in a private business to demand such wages as he desires, to leave the employment if he does not get them, and by concert of action to agree with others to leave upon the same condition, such rights are necessarily subject to limitation when employment is accepted in a business charged with a public interest and as to which the power to regulate commerce possessed by Congress applied, and the resulting right to fix in case of disagreement and dispute a standard of wages as we have seen necessarily obtained.

Then the court went on to apply that law with such limitations as were proper under the circumstances to the facts in that case. Dissenting opinions are sometimes interesting in so far as they show wherein there is full agreement with the majority. I call attention now to the dissenting opinion of Mr. Justice Day in the case under consideration. He said:

I am not prepared to deny to Congress, in view of its constitutional authority to regulate commerce among the States, the right to fix by lawful enactment the wages to be paid to those engaged in such commerce in the operation of trains carrying passengers and freight. While the railroads of the country are privately owned, they are engaged in a public service, and because of that fact are subject in a large measure to governmental control.

In the same case Mr. Justice McReynolds said:

But considering the doctrine now affirmed by a majority of the court as established, it follows as of course that Congress has power to fix a maximum as well as minimum wage for trainmen. * * *

It is true that in the exercise of its power under the commerce clause of the Constitution the Congress is limited

by the plain inhibition of the fifth amendment. But the lengths to which Congress may go in the regulation of interstate commerce are indeed far-reaching.

Let me ask you: Can Congress inflict punishment upon an engineer who, having undertaken a certain run, abandons his engine and refuses to carry either freight, passengers, or mail to their destination? Does anyone doubt that power? Do you not remember that during the recent strike of 1922 men were prosecuted and punished by the Federal Government for deserting their trains and failing to complete a run which they had undertaken? What would Congress do to a man in charge of a tower and the operating of switches if he should leave his post without notice, thereby tying up traffic, if not endangering life? Does anyone doubt the power of Congress to step in and impose severe penalties?

What has Congress not already done in the way of interfering with the liberty of contract guaranteed under the Constitution? She has gone to the extreme of saying in effect that two expressmen may not agree upon a rate for transporting a trunk from Baltimore, Md., into the District of Columbia without laying themselves open to prosecution for conspiracy in restraint of trade.

The Congress has in effect said that two farmers in the State of Maryland may not agree upon a price for which they will market their poultry in the District of Columbia without being subject to prosecution for conspiracy in restraint of trade. Such are the restraints upon the private right of contract imposed by the Congress under its grant of power to regulate commerce.

The obligation imposed upon the Congress by the Constitution under the interstate commerce clause impels it at all times to see that the flow of commerce between the States is uninterrupted, and to that end it may strike down all barriers, economic or physical. The commerce clause likewise imposes it upon the Congress to see that transportation between States is also furnished on a reasonable-rate basis. When an unreasonable cost of transportation is sought to be imposed upon the public through an uneconomic wage agreement, who shall contend that the Congress suddenly becomes ineffectual and powerless?

My friends, I do not object to any step which will encourage railroad executives and trainmen to settle their disputes voluntarily and peaceably. I do not favor compulsory arbitration. Nor does my colleague Mr. NELSON favor compulsory arbitration, although such a position was falsely attributed to him in the *Washington Herald* of Thursday, February 25. Mr. NELSON expressly stated in his speech of February 24 that compulsory arbitration is repugnant to the concepts of American government. With that assertion I am in hearty accord.

I stand second to no man in my desire to see justice done to the American laborer, whatever his trade. He ought never to be forced to take up any kind of employment. He has the right to work when and where he will. He is entitled to his just portion of the profits of industry. His well-being is essential to the welfare of the whole. But I would say to any class of laborers as I would to any class of employers, do not be so insistent upon individual right and privilege that to grant your request would necessitate the sacrifice of those rights which it is the duty of this Congress to maintain for all. [Applause.]

Mr. PARKER. Mr. Chairman, I yield to the gentleman from Nevada [Mr. ARENTZ].

Mr. ARENTZ. Before discussing, ever so briefly, the Parker bill "to provide for the prompt disposition of disputes between carriers and their employees" it is well to state at the outset that it is my belief that the present railroad board has been unsatisfactory to the public, the employees, and the railroad companies.

From the Pacific coast to Washington I have heard it condemned by railroad workers, and its efficient workableness questioned by railroad officials.

The railroad workers in my State of Nevada condemn it.

I think we must all agree that compulsory arbitration is, in the last analysis, unsatisfactory to both parties to the dispute, because a settlement of any dispute under such considerations is forced on either one side or the other. An agreement by force is in effect no agreement at all.

The personnel of any arbitration board must be made up of men mutually agreeable to both employer and employee—the adjustment of all differences must be in harmony with the principles of conferences, conciliation, and arbitration.

I believe that the representatives of the carriers and the representatives of the railroad workers have given much study and thought to the settlement of both minor and major disputes, with due regard to the interests of both parties, in drafting this bill.

I also sincerely believe that the interests of the third party, namely, the public, is given its proportionate weight in any settlement. This has been declared necessary by employers and employees, for, after all, the weight of public opinion must be taken into consideration in all matters affecting transportation in which the public is so vitally interested. This is satisfactory to the railroad workers as well as to the railroad managers. The present bill is proof of this because this bill represents an agreed upon program on the part of the leaders of the railroad brotherhoods and on the part of the railroad executives of America.

The questions affecting the workers of America should arouse the keen interest of everyone in public life. A study of the relations existing between employer and employee is, in effect, the history of the development of the progress of industry and transportation of our Nation. It is only within recent years that the fogs of distrust and doubt existing between capital on the one hand and labor on the other have been dispelled to any appreciable degree.

Whether we meet the railroad workers as friends or neighbors or in traveling, one must come to the conclusion that these men are of the highest type of citizenship, industrious in their work, faithful to their employers, strong in their home ties, and that they stand for all that is good in the community. All they are asking is steady employment and decent wages under proper rules and working conditions. They believe these conditions can be maintained or brought about by the enactment of this legislation.

I know many members of the railroad brotherhoods personally. My work in the construction of short-line railroads brought me into intimate daily contact with railroad workers. More loyal men can not be found anywhere.

Railroad workers form an appreciable percentage of my constituency. I am their representative to the same degree that I am a representative of the rancher, the stockman, the professional man, or the merchant. I intend always to guard the interests of the workingman. His difficulties and troubles are not unknown to me.

When disputes arise in the course of their work between themselves and their employers the men want such disputes settled quickly and on the facts. They demand the right, and justly so, to settle such disputes by arbitration, as is proposed in this bill. They think it right to settle their own differences without compulsory arbitration, and I shall vote for the measure which allows them to do so. If legislation now in effect for the settlement of their disputes is unsatisfactory to either of the parties, we as legislators should question its efficiency in settling disputes. Surely it is only fair that such proposed legislation should meet with the approval of both parties affected thereby. Only to the degree that it is so approved will definite and lasting results be attained under its provisions.

Now, let me give you a brief résumé of the bill before us to-day. The very foundation of the legislation sought is in maintaining agreements between the workers on the one hand and the employers on the other. On this point this bill provides that all disputes between the carrier and its employees shall be considered and, if possible, decided with expedition in conference between representatives designated and authorized to confer. Who are these representatives to be? They are representatives designated by the respective parties, they are chosen by the respective parties without interference, influence, or coercion exercised by either party. The railroad workers are thus bound by a bargain written for them by some one whom they selected, so at the outset the bill provides for agreement, the product of conferences, through representatives of the parties.

In the operation of a railroad two types of differences of opinion between the managers and the employees may arise; these may be called minor disputes and major disputes. The first type, minor disputes, involve discipline, grievances, and disputes over the application and meaning of an agreement. These disputes are of a character to be understood by those who operate the railroad and those who work on the railroad, and often very difficult for an outsider to grasp.

In this bill the provision is simply made that the board of adjustment must be created by agreement, and this is fully provided for in section 3 of the bill, which is clear and seems satisfactory to me.

In the settlement of minor differences you will thus see that the employees and the managers are to settle their controversies among themselves.

We now come to the second class of disputes. This major class of disputes involves fundamental economic differences over which serious differences are likely to result, involving a conflict or competition of economic interests.

As stated by Mr. Richberg, attorney for the railroad brotherhoods, in the hearings, "the moment the public has an interest in the situation the public is given a voice." Thus we come to a place where it is necessary to bring public intervention to promote peace and harmony.

The bill provides for the creation of a Government Board of Mediation of five members, the provision being made that none of these members shall be peculiarly or otherwise interested in either the carriers or the employees. It is essential that they should be unbiased, and only to the extent that they are unbiased can they represent the workers in the true sense of the word.

The primary function of this Board of Mediation is to persuade the parties into agreement; the final duty of the board, if it is unable to persuade the parties into agreement, is to persuade them to submit the dispute to arbitration. This arbitration is voluntary, as it should be. This is not a compulsory arbitration bill. Under the provisions of the arbitration clause, the board of arbitration consists of either three or six members. Each party may choose one or two to each side, depending on whether the board consists of three or six members. The men so chosen then choose neutral arbitrators, either one or two, who hold the balance of power. If the arbitrators chosen by the parties to the dispute are unable to choose the neutral arbitrators, either the one or the two, who hold the balance of power, then the Board of Mediation is empowered to appoint these neutral arbitrators.

The parties are only allowed a short period of 15 days to select neutral arbitrators. According to the testimony given by the railroad brotherhoods, as well as that of the railroad executives or managers, this is one of the important provisions of the bill. By this provision there is every incentive to exert every effort to get fair and impartial arbitration.

It is brought out in the hearings time and time again that all through this proposed legislation is the theory that agreement is a vital thing in industrial life. Another strong indication of the whole spirit of the act is the theory of self-government in industry.

If the employers and employees of a particular railroad system want some other machinery for the settlement of their disputes and they are willing to agree upon it, there is nothing in this act to prevent them from using such machinery or adjustments as they may mutually establish, but if their machinery, which they have established, does not do the work and they are not able to adjust their differences, then by the provisions of the act permitting public intervention are in full force and effect. If, after all has failed to bring about the settlement between the warring parties, the last section of this act provides for an emergency board. This board is composed of such persons as the President may deem desirable. This is a board of public individuals, a board created for but the single emergency, it is created for the solution of but one set of problems, and when a report is made upon these problems its work is completed. This board is required to investigate, to formulate, and to make a report within 30 days from the date of its creation.

Again, according to Mr. Richberg, the primary function of this emergency board is not merely to make its report, not merely to tell the public who was right and who was wrong in the emergency, but the primary function of the board is, if possible, to settle the controversy.

All parties concerned in the drafting of this legislation have sought to utilize the lessons of experience and to take account of the weaknesses of human nature and to counteract individual weaknesses with the forces of social cooperation. They are now asking to have this agreement written into law, not for the purpose of having governmental power to compel the parties to do right, but in order to obtain Government aid in their cooperative efforts and in order to show the public that their interests in efficient, continuous transportation service will be permanently protected.

Neither of the parties to any dispute in matters affecting transportation are asking the Government to use force against one or the other party, but they are simply asking aid and cooperation.

I believe, with the President in his statement of December 5, 1925, when he said—

the manifest inclination of the managers and employees of the railroads to adopt a policy of action in harmony with these principles—

Conferences, conciliation, and arbitration—marks a new epoch in our industrial life.

I intend to support this bill. This bill means much to the railroad workers of America. It means assurance that they can receive fair pay and fair treatment without being com-

pelled to live under the constant shadow that some day they may be called upon to enforce their rights by quitting their jobs, losing their means of livelihood, and their rights of service and chance of advancement. [Applause.]

Mr. BARKLEY. Mr. Chairman, I yield five minutes to the gentleman from Arkansas [Mr. TILLMAN].

Mr. TILLMAN. I also desire to state that I am for this bill, and I would ask the attention of my colleagues for a moment. On account of serious illness in my family it will be necessary for me to be away from Washington for an indefinite period. I will not be here to get time in general debate hereafter, and I ask unanimous consent I may be allowed to proceed for the two or three minutes remaining out of order.

The CHAIRMAN. If there is no objection, it is so ordered. There was no objection.

Mr. TILLMAN. Mr. Chairman, on February 23 I introduced House Resolution 146 and here and now ask the Rules Committee for an early hearing on same, and for a report for the passage of said resolution through the House and for the investigation proposed. Some time ago a resolution was introduced for an investigation of the Anti-Saloon League. This is an organization quite different from the wet organizations, and there seems to be no reason to treat them together. The wet organizations insist that they are willing to be investigated provided the investigation includes the Anti-Saloon League, the Board of Temperance, Prohibition and Public Morals of the Methodist Church, the Woman's Christian Temperance Union, the World League Against Alcoholism, the Committee of One Thousand, the Flying Squadron of Indianapolis, and other prohibition organizations. This reminds me that during the days of the saloon, when the saloon keeper was arrested for selling liquor on Sunday he insisted that the prosecuting attorney should cause the prosecution of the little newsboys for selling papers on Sunday. It is quite an old trick. I am on one side only of this proposition—the dry side. The dry organizations stand for the Constitution and the observance and the enforcement of law. The wet organizations stand for nullification of the Constitution and believe in flouting the law of the land. I believe these dry organizations are doing a great work and I favor them. None of them have ever contributed a penny to my campaign's expenses, nor has any individual done so besides myself. I finance my own campaigns and expect to continue to do that. Quite a lot of money from some source was used in opposition to me in my last race, and this will no doubt occur again, as one of the avowed purposes of the wet organizations is to defeat dry Congressmen. Gentlemen, you can have a fight if you insist upon it, so throw your bull-hide shield in front of you and "lay on, McDuff." I believe that the dry organizations above referred to are composed of worthy people and that their cause is a just one. Such organizations as these build orphan asylums, extend help to the old, the poor, and to children. Their purpose is to make the world a better place in which to live. The two Rockefellers are accused of having contributed \$375,000 to the Anti-Saloon League. If that is true it is a contribution to a worthy end. And, if there was any taint on those dollars, the purpose for which they are being used will remove such taint. If Kresge the merchant or Judge Gary have given money to the dry organizations mentioned, they are to be commended for a most worthy action.

In 1924 the World's Almanac reported 387 homicides in New York; 509 homicides in Chicago; 77 homicides in Baltimore; in Detroit 211, besides numerous other felonies. Would the wet members from these sections insist upon a repeal of the criminal laws thus violated?

On yesterday in the city of Baltimore a man named Robertson shot a messenger of the Western Maryland Dairy and a patrolman, staged a holdup, and obtained \$16,000. The shooting was a most brutal and unprovoked affair. William B. Norris on August 28, 1922, the same dispatch stated, was killed by the so-called "Socolow-Hart gang." Will the gentleman from Maryland [Mr. HILL], because of these crimes, insist that the law against robbery and felonious assault is a failure?

Many wealthy Americans have put their money into public libraries, into research bureaus, into educational foundations, into university endowment funds. Whoever heard of beer and booze building an asylum or university or promoting any laudable enterprise. The dry organizations mentioned stand for a higher purpose than rum and lawlessness stand for.

I print in the RECORD the resolution above mentioned. It follows:

House Resolution 146

Whereas the Association Against the Prohibition Amendment, an incorporated association, and its various subsidiaries have raised and

expended large sums of money, the amounts, sources, and expenditures of which have not been made public; and

Whereas no reports have been made as required by law under the Federal corrupt practices act of the expenditures and sources of such funds; and

Whereas said organization stated, at the time of its organization in New York, among other things, that it intended to influence the opinion of the Supreme Court concerning the eighteenth amendment, as follows:

"The members of the United States Supreme Court are extremely sensitive to public opinion. They must be made to feel the weight of public opinion that has been aroused all over the country by this attempt to prohibit by constitutional amendment the natural and inherent rights of free men in a free country. That sentiment can only be crystallized by the expenditure of a very considerable sum of money"; and

Whereas said Association Against the Prohibition Amendment filed no report of its campaign contributions in 1920, and in 1922 and 1924 failed to comply with the law in other respects; and

Whereas the purpose of said organization is to repeal the national prohibition act and as a first step to secure a light wine and beer amendment to the national prohibition act; and

Whereas in the States where said association has dominated the legislature, to wit, New York and Maryland, no State enforcement codes are provided, as is obligatory under the Constitution; and

Whereas the program and plan of the Association Against the Prohibition Amendment means the destruction of State and Federal laws necessary to uphold and enforce the Constitution, which is in direct conflict with the duty imposed on Congress and State legislatures; and

Whereas the Association Against the Prohibition Amendment is now seeking to raise a special fund of \$300,000 to defeat 200 Congressmen who have voted for regulations to enforce the eighteenth amendment, as is shown in the letters appealing for funds and circulars inclosed with them, to wit:

"It costs us, on the average, \$1,500 to organize in a congressional district effectively enough to win a Congressman there. (See the white circular inclosed.)

"Will you be one of three \$500 contributors to take care of one district?

"Or will you be one of fifteen \$100 contributors?

"We are building organizations in approximately 200 congressional districts now represented in Congress by men who have been voting 'dry' whenever the question has been brought up.

"We are raising the money and going into districts as rapidly as financial receipts permit us to.

"The association will during 1925 greatly enlarge the scope of its activities and will increase tenfold its working personnel and facilities"; and

Whereas the Association Against the Prohibition Amendment claims that it has a regular annual income of \$300,000 to carry out the above program, besides the emergency fund of \$300,000 to defeat dry Congressmen; and

Whereas the association lists among its achievements in its letters and literature the following, claiming the defeat of candidates for office, public officials, and enforcement agents who are in favor of the law as well as its enforcement, to wit:

"We are maintaining a trained political force to fight your battle in the next campaign. We have established branches in practically every doubtful State. We have raised for the work over \$1,000,000, and have expended and accounted for every cent of it honestly.

"We played a prominent part in procuring the repeal of the Mullen-Gage law (New York).

"We have kept the fires of liberal thought burning, in spite of abuse and slander; we have succeeded in bringing into this movement women and men of the highest character, and have thereby given standing and respectability to those principles which have been so wickedly maligned that they once seemed disreputable; we have largely gained the confidence of the public press and the news associations which now handle our publicity fairly and courteously.

"The foregoing accomplishments have done much to bring about the Anti-Saloon League's loss of power, the fading out of Haynes, and the passage of the headship of the Enforcement Unit to the control of an able, patriotic, and conscientious official.

"It is not necessary to amend the Constitution to get back to beer and light wines. The Volstead law may be repealed merely by a majority vote of Congress. We are not facing a hopeless task.

"Our task is to convince a majority of the Members of Congress that Volsteadism is a failure, or to elect a favorable majority in the next Congress.

"Our Nevada branch defeated the local State enforcement bill.

"We have turned the elections in many congressional districts. Hon. JOHN PHILIP HILL, Member of Congress from Maryland, has, with our very active aid, turned an adverse majority of 10,000 into a favorable one of 15,000.

"A new department was organized for political work in congressional districts. It is intended to go ahead actively with this work at once. We have saved the money to carry it on, and a dollar spent now will accomplish more than ten spent in the rush of a campaign.

"Recently we added to our staff two men who have in the past been national directors of presidential campaigns for the two great political parties. * * * Our field force under the direction of these men will survey conditions in congressional districts throughout the United States and will pick out districts in which we may be expected to be successful in making the fight. * * * The work that is being done by our field force under the direction of these political experts will be supplemented by the work of our personal liberty clubs, which are being organized throughout the country. * * * The opposition is well organized through the activities of the Anti-Saloon League and of the Woman's Christian Temperance Union. We anticipate that by forming personal liberty clubs in the various districts we will be able to overcome this condition. * * * Of course, volunteer committees and liberty clubs work in close harmony and cooperation with the headquarters of the association and with the two political experts above mentioned. * * * The national headquarters of the association has upon its staff two experienced newspaper men who prepare articles dealing with the evil effects of prohibition, statistics giving increases in crime and taxes under prohibition, etc. * * * In addition to the publicity men employed in the Washington headquarters office many of our branches have their own publicity men who do similar work within the various States"; and

Whereas the Association Against the Prohibition Amendment has the support of the brewers and the malsters, whose political activities were condemned in the hearings before the Judiciary Committee of the Senate in Senate Resolution 307 in 1918, including—

"(a) That they have furnished large sums of money for the purpose of secretly controlling newspapers and periodicals.

"(b) That they have undertaken to and have frequently succeeded in controlling primaries, elections, and political organizations.

"(c) That they have contributed enormous sums of money to political campaigns in violation of the Federal statutes and the statutes of several of the States.

"(d) That they have exacted pledges from candidates for public office prior to the election.

"(e) That for the purpose of influencing public opinion they have attempted and partly succeeded in subsidizing the public press.

"(f) That to suppress and coerce persons hostile to and to compel support for them they have resorted to an extensive system of boycotting unfriendly American manufacturing and mercantile concerns.

"(g) That they have created their own political organization in many States and in smaller political units for the purpose of carrying into effect their own political will, and have financed the same with large contributions and assessments.

"(h) That with a view of using it for their own political purposes they contributed large sums of money to the German-American Alliance, many of the membership of which were disloyal and unpatriotic.

"(i) That they organized clubs, leagues, and corporations of various kinds for the purpose of secretly carrying on their political activities without having their interest known to the public.

"(j) That they improperly treated the funds expended for political purposes as a proper expenditure of their business and consequently failed to return the same for taxation under the revenue laws of the United States.

"(k) That they have subsidized authors of recognized standing in literary circles to write articles of their selection for many standard periodicals"; and

Whereas this association and more than 30 other national wet organizations are asking for the legalization of beer and wine either through the repeal or amendment of the national prohibition act without first changing the Constitution so that it could be done legally: Therefore be it

Resolved, That the Committee on the Alcoholic Liquor Traffic of the House of Representatives is hereby authorized to send for persons, papers, to compel the attendance of and to administer oaths to witnesses, to conduct such inquiries at such times and places as the committee may deem necessary, and to report its findings and recommendations to the House of Representatives with such report as said committee may submit in connection with any proposed legislation, and the sum of \$5,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purpose of making effective the purposes of this resolution.

Mr. Chairman, while most Americans on the 22d were listening to the stately sentences of Washington's Farewell Address an assemblage of "fact facers" were insulting the memory of the Father of His Country and America and belittling the first President by the piddling, piffing drivel of stressing and printing on their dinner program at the Mayflower General Washington's recipe for beer making. What an exalted conception of the dignity of the occasion and the solemn lesson the day suggests. It was a raw affront to the Nation's first citizen and the first Chief Executive. General Washington probably wrote this recipe; he may have picked his teeth in public at Valley Forge with a jackknife; as war camps abound with vermin, he may have used a fine comb now

and then; but how shocking to the country's sense of propriety to exploit these small things on the serious occasion of celebrating the day of his birth, a great national holiday.

On the 22d 15,000 teachers of America's youth gathered in annual convention in the city named after our greatest Executive. They looked upon the white-columned Capitol with pride and pleasure. They knew it was builded by American brains and brawn and genius and not by beer. The teachers of our youth looked at the Monument, piercing the sky like a giant's spearhead. It is symbolic of the country's grandeur and is not a monument to booze. The pedagogues visited the most beautiful building in the world, the Congressional Library, and then they saw the marvelous document which Gladstone said—

was the greatest instrument that ever came from the minds and hands of men—

The Constitution. When these teachers go back to those to whom they stand in loco parentis will they declare for this Constitution or for 2.75 per cent beer? If for the latter, not one of them would last as long as a feather in hell.

The teachers listened to the ringing challenge of Bishop Freeman and his great sentence, "The primary business of life is the saving of souls." They heard the able address of President Coolidge, who said, "Washington was a great teacher," but he did not descend to the low level of reading his recipe for making beer.

These teachers within the Capital City's gates made a pilgrimage to the Tomb of the Unknown Soldier in Arlington Cemetery and placed a wreath there in the name of all educators and students. They visited Mount Vernon and looked with reverence on the stone coffins of George and Martha Washington, giving no thought to the beer recipe. All these activities were en rapport with the occasion, and while these teachers were feeding their souls with great sight and sublime thoughts the "fact-facing" contingents were shouting with raucous voices, "Down with the Constitution and up with 2.75 per cent beer." The teachers of our children say we want light and inspiration, sobriety, morality, and better methods of educating the masses, but the "face the facts" aggregation say, "We want booze."

While most of the men and women living or briefly abiding in Washington on Washington's Birthday observed the day properly, the fact facers were performing as noted below. One gentleman was delivered of this strange monstrosity:

The eighteenth amendment is one of the causes of the younger generation's greatest social evil to-day.

Sad, sad, sad! And Rabbi Lazaron, of Baltimore, flashed this verbal gem before the eyes of sympathetic friends:

The temperance I favor rises out of the self-control of the individual citizen; it can not be imposed upon from without.

In other words we need no law, no courts, no criminal statutes. "Thou shalt not" should never be spoken. This contravenes the experience of 3,000 years and is not even respectable nonsense. [Applause.]

The fact facers are prostrated at the thought that the law they hate and want to fail actually is a failure, and that ought to make them happy, and yet they do not seem to be happy—they want beer!

Now, this stuff about the eighteenth amendment being a failure is as "false as dicer's oaths," as "false as oaths made in wine," as "false as Hades."

The "fact facers" in convention assembled, and at the Mayflower, feast with our genial friend from Maryland [JOHN PHILIP HILL] as toastmaster; high priest he is of the cult of homemade hard cider, demand more beer, more wine, and harder cider.

St. Paul said:

I have fought a good fight; I have kept the faith.

Cæsar said:

I came, I saw, I conquered.

Horace said in choice Latin:

Dulce et decorum est pro patria mori.

Paul Jones said:

I have just begun to fight.

The face-the-facts people shout, "Give us more booze and better booze."

Last night at dinner the band played a beautiful medley of old airs. Kathleen Mavourneen, The Blue Bells of Scotland, On the Banks of the Wabash, Down on the Suwannee River, and My Old Kentucky Home. The classic of the wets, How

Dry I Am, was not allowed to mar the beauty of the first-named selections.

All over America the cry is going up, "God give us men." But the fact facers say, "God give us beer—stouter beer." [Applause.]

Mr. BARKLEY. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. GREENWOOD].

Mr. GREENWOOD. Mr. Chairman, one of the chief functions of government is to promote peace, prosperity, and happiness among its citizens. I am for the pending bill because it appears to be a treaty of peace between capital and labor on the transportation systems of our country. We have tried many other methods of force, and none of them have been a success. The present law providing for the labor board is a disappointment. This Labor Board is by all parties disregarded and discredited. I am for the pending bill providing a plan of arbitration and mediation as a substitute for the old plan that pretends to have an element of force. The settlement of industrial disputes by economic force has proven a failure. The present bill is based upon cooperation and brotherhood, and these are qualities that have always blessed mankind where force and hatred have failed. In this respect this proposed legislation is something different, and I am anxious to give it a trial.

I have always believed in the right of the laboring class to form unions and to insist upon collective bargaining. In this day of organizations, combinations, and mergers by capital, it must not be expected that each workingman shall have to contend alone with the ultraselfishness and cold discriminations of corporate management. These rights have elevated labor to its proper sphere and dignity. There was a time when the world's work was performed without capital, but never without labor. Hence in the division of income from a business I would give wages a priority over dividends, because human happiness and civilization rests upon the welfare and happiness of the laboring man.

Labor unions also provide a responsible entity with which to contract and a means for group obedience. It is to be expected if labor is contented that they will take a pride in continuous service and the stability and prosperity of the transportation system of America. There are high economic results to be had from industrial peace, and we know that strikes and lockouts are detrimental to all. These good economic results will be reflected in fair wages, correct working conditions, proper returns to the investor, reasonable and efficient service to the public. It is to promote these mutual beneficent interests that we who are supporting this bill shall expect results from its administration. The employers and employees are on their honor to obtain these most wholesome results.

Believing that the management and the employees should settle their own disputes over wages and working conditions, I am willing that a machinery shall be provided for this purpose. I supported the Howell-Barkley bill in the last Congress, but it was filibustered to death by the majority party, who have now come to see the error of their ways and have joined with us former crusaders for industrial peace and are now voting for the pending bill, which is in spirit and in most details practically the same. This bill is the Howell-Barkley bill dressed in another suit of clothes and given another name. We who have consistently stood for industrial peace on the railroads are elated to see the agitation of last Congress mature into the realities of legislation when this bill becomes a law. That plan is best which provides for those acquainted with all the technicalities and conditions of employment on railroads should by means of the grievance committees locally provided for crafts by divisions and systems have the responsibility first to settle.

If the controversy can not be thus settled by those most interested, this legislation will assist by the higher governmental boards. This plan has been successfully tried by the Baltimore & Ohio Railroad and seems to be the last word in cooperative methods. This plan is based upon common sense and the spirit of brotherhood. It has been found to be the best plan yet tried.

No governmental agency should interfere in settlement of disputes in the industrial world as long as the parties can themselves agree. This bill represents the meeting of the minds of the committees of the railroads and the labor unions, after many months of earnest study; and being in the nature of an agreement, I think that Congress should not materially alter its provisions. The right of private contract is still sacred, and Congress should not assume to clothe the Interstate Commerce Commission with any power to supervise the details of labor contracts.

I have no authority given the Federal Government under the Constitution to regulate or assume to make or annul any contract of labor between the employer and employee. Con-

gress can not assume to act unless it had the delegated specific power under the Constitution. Now, the Congress has the power to regulate interstate commerce under the commerce clause of the Federal Constitution, but I know of no holding of the Supreme Court that sanctions that power to be exerted in fixing wages, working conditions, and other details of labor contracts. The Congress can not assume to be either the guardian or the master of railroad labor. The right to fix rates and traffic regulation is based upon an entirely different legal theory. This right over rates is the exercise under the commerce clause of a regulation that the Government has always exercised over common carriers. This grows out of the character of the business, the public nature of carriers, their special and corporate rights, monopolistic in its service, exercising the right of eminent domain, being a franchise and often a monopoly. In the old common law the hack drivers and other carriers were licensed and rates controlled. From this a historical development of this power and control has been applied to common carriers. But never has the Government assumed greater rights of control over labor contracts on railroads than in mines, factories, and other industries.

There has been a great deal said about the public losing some right if this bill is enacted without amendment, but the public can lose no right as long as any machinery is set up that will make for peace in the field of transportation. The greatest economic losses that come to our country's industries are in strikes and in lockouts, and the public sustains those losses, but by the settlement of these by peaceful means there will be a great saving. It seems to me it is not necessary to extend the power of the Interstate Commerce Commission when its organic act gave it the power to look into all economic costs of transportation, including the cost of material, all operating expenses, as well as of labor. This law does not take away any of that power, and the Interstate Commerce Commission will continue to look into all of these costs in fixing rates at a reasonable rate. This law will not divest the commission of a single power which it has which is extensive enough to allow them to look into all economic costs. There will be no obligation upon the commission to fix a rate based upon an arbitration that has been made a matter of record any more than the economic cost based upon a mutual contract of the employer and employee. It is all a matter of the economic cost, and after having considered all of those costs, then the rate is made. Will there not be a saving to the public on the question of strikes and lockouts? Will there not be a saving in dollars and cents tending to lower the rate rather than to increase the rate by allowing these disputes to be settled by peaceful means rather than by means which destroy values. In having a peace which is offered by the settlement of these disputes there is an economic saving, and that will go into the cost of transportation and will be an actual saving to the public that will lower rather than increase the rates. [Applause.]

There is no compulsion beneath this plan of settlement of labor disputes. It is based rather on reason and hospitality of the spirit. It must be administered by men in conference and negotiation. Let us hope that the same spirit that created it and wrote it, will prevail in its administration. Let labor understand and capital appreciate that the people have an interest in the efficient, reasonable, and continuous service of transportation, and that all will be undertaken in this same spirit of brotherhood that has prompted the enactment of this legislation.

The industrial world, the political world, and the religious world are groping toward that state of society, where peace can prevail and where law, order, and neighborliness can be allowed to move unhampered. This new spirit in industry and politics might be considered the application of religion to human affairs. It is the teaching of the Man of Galilee, the Prince of Peace, who gave us the parable of the good Samaritan and many more, which we have been slow in applying to human relationships. It is the extenuation of the spirit of the song of the angels on the Judean hills, who at the birth of Christ sang the message to the shepherds of, "Peace on earth, good will toward men." There is no good reason why business and governments should not reflect these sentiments. I believe this proposed law for the peaceful settlement of industrial problems on railroads between the employer and the employee is tempered with this great fundamental principle. I give it my vote and my approval.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARKLEY. Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. CARSS]. [Applause.]

Mr. CARSS. Mr. Chairman and members of the committee, I am sorry that the gentlemen in charge have been able to yield me only five minutes for the discussion of this bill, but,

as my time is limited, I must necessarily leave considerable unsaid. [Laughter.]

Mr. Chairman, if the House will pardon a personal reference, I speak as one who has had some experience in the transportation field, having been engaged in that important industry before becoming a Member of this body; and having had experience in the adjustment of disputes between railroad management and employee, I feel that I can speak with some knowledge on the matter before the House. I regret that I can not dwell at length on the different labor organizations that have grown up on our American railroads in the last 50 or 60 years. I would like to speak of the contribution of these organizations to the upbuilding of America, of what they have done to render travel safe on our railroads, how they have raised the social and moral standard of their members, how they have eliminated the use of intoxicating liquors among the employees of our railroads, how fair and reasonable they have been in their demands, how they have lived up to the letter and spirit of their contracts with their employers, and how they have developed the skill and intelligence of their members.

Mr. Chairman, I am proud of my membership in one of these organizations, also proud of the great American labor movement, because, gentlemen, the American labor movement is the greatest instrumentality for spreading the doctrine of Americanism that exists in our country to-day. This movement tends to build up and strengthen American institutions, and, above all, to raise the standard of living in the American home. Gentlemen, no matter what our attainments may be in science, art, or literature, our very civilization itself rests on the home, and in addition to our honest men and virtuous women we must have an adequate income if we expect to rear children who will become useful members of society. No man can love a country where he sees his wife a mere drudge and his children growing up in ignorance and poverty and becoming victims to the diseases and crimes which so often accompany poverty and ignorance, and so I stand by the American labor movement in all its proper activities, as I believe all good Americans should.

I would like to speak of the railroad officials of this country. During my experience I have met many railroad officials, and I want to say that no security holders in the world have received more loyal, intelligent, and efficient service than the holders of American railroad securities have received at the hands of the officials that represent their interests. In the past, during the years when the American railroad unions were struggling for recognition, the railroad industry suffered much from lockouts and strikes; so much was transportation interrupted that Congress felt called upon to act, and legislation was passed for the purpose of relieving the public from these frequent interruptions.

In 1898 the Erdman Act was passed, followed by the Newlands Act in 1913. Under the latter, peaceful relations were maintained on the railroads for a number of years. Then came the present law, which set up the Railroad Labor Board for the adjustment of disputes between the carriers and their employees. In my criticism of that act in the Sixty-sixth Congress, I predicted that just what has taken place would take place—that the Labor Board would become thoroughly discredited. Mr. Ben Hooper, in his brief filed before the committee, said that peace had prevailed on the railroads for the past year or so. I suppose that gentleman bases his opinion on the fact that no disputes are now being referred to the board for settlement. [Laughter.]

I sincerely hope this plan will be successful; no one knows better than the railroad men what a terrible disaster a Nation-wide railroad strike would be; it is no exaggeration to say that it would be a worse disaster than this Nation has ever known; this Nation, with its great expanse of territory and its many diversified interests, is more dependent on railroad transportation than any nation in existence. It has been said that not more than one-fourth of the area of the United States could be inhabited by civilized human beings without railroads.

It is the plain duty of this body to pass such legislation as will remove the possibility of a railroad strike. We all realize the futility of attempting to pass legislation providing for compulsory arbitration. Neither employer nor employee would ever submit to such legislation. It has been tried in the past, and it has been a failure wherever tried, and it will always be a failure. No sane political party will ever pass a law to compel an American citizen to work against his will. Mr. Chairman, if peace is to prevail in industry, justice and not force must rule.

Mr. BARKLEY. Mr. Chairman, I find I have five additional minutes that I can yield to the gentleman. [Applause.]

Mr. CARSS. I thank the gentleman from Kentucky.

This bill imposes a moral obligation upon the employer and employee to settle their differences without injury to the public through interruption of transportation, and unless this agreement is put into law substantially as agreed to between the parties, the moral obligation will no longer exist. Under this plan, the employer and employee may meet, put their feet under the same table, and thrash out their differences. Whenever such conferences occur, and an honest desire exists to reach an adjustment, some plan can always be worked out that will bring about the desired result. Mr. Chairman, if I thought for one moment that the public interest was not fully protected I would oppose this bill, for my duty as a legislator is to protect the public interest, but the greatest interest to the public in this legislation is to secure uninterrupted transportation, and I hope this bill will go through without amendment. The gentleman from Kansas [Mr. HOCH], proposes an amendment which in my judgment will greatly lessen the efficiency of this bill. From my past experience in the settlement of disputes, I have concluded that when the mediators have succeeded in bringing the parties to the point of settlement, it is good policy to settle right then. If the Interstate Commerce Commission, or any other agency is given specific power to interfere at such times, the settlement would probably be delayed so long that hard feelings and bad blood would be engendered to such an extent that no settlement would be effected and a strike or lockout would result. Thus the whole purpose of this legislation would be defeated.

Mr. Chairman, there is just one detail of this bill I wish to discuss briefly, section 10. If all negotiations looking toward a settlement between the carrier and their employees fail, and there is reasonable apprehension of a strike or lockout that may deprive any section of the country of essential transportation, the board of mediators shall notify the President, who may thereupon at his discretion create a board to investigate and report on the dispute; and it is the report of this board in which I am interested.

After that board has brought in its findings, and if after a reasonable time either party to the dispute refuses a settlement, I should like to see all the facts of the case made public so that an intelligent public opinion on the merits of the dispute may be formed.

Mr. Chairman, Napoleon has been credited with having said:

Providence is on the side of the heavy artillery.

In America, public sentiment is on the side of those who have access to the means of reaching the public ear. Heretofore, in all labor disputes, the workers have never been in a position to put their side of the case before the American people. Organized labor does not ask for anything for itself that will not be of benefit to the public.

Mr. Chairman, the workers are willing to rely on the sense of justice and fair play of the American people to decide in such disputes. All they ask is that the public have the facts in the case fairly presented. I hope some means may be provided in this bill to fully and truthfully inform the public on the merits of the whole matter should such unfortunate disputes arise in the future. And now, Mr. Chairman, I would say to the railroad men of America, you have come to Congress with a plan on which you are both agreed. Congress looks to you to make this plan a success. If you do not enter into future negotiations with due regard for the rights of each other and of the general public, and in the right spirit, this legislation will have been in vain. Mr. Chairman and members of the committee, I thank you. [Applause.]

The CHAIRMAN. The time of the gentleman from Minnesota has expired. All time has expired. The Clerk will read.

The CHAIRMAN. The time of the gentleman from Minnesota has expired. All time has expired. The Clerk will read.

Mr. BARKLEY. Mr. Chairman, before the Clerk begins the reading of the bill I want to ask unanimous consent that the chairman of the committee in charge of the bill, the gentleman from New York [Mr. PARKER], may be permitted to speak for 15 minutes. The gentleman would be entitled to do that after the reading of the first section, but, as chairman of the Committee on Interstate and Foreign Commerce, I think he ought to do it in advance of the reading.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that before the reading of the bill begins the gentleman from New York [Mr. PARKER] may be permitted to address the committee for 15 minutes. Is there objection? [After a pause.] The Chair hears none. [Applause.]

Mr. PARKER. Mr. Chairman, I wish to thank the gentleman from Kentucky for his courtesy and also to thank the House.

There is very little I can add to the discussion of this bill in its various phases, because it has been very thoroughly and very intelligently discussed by the various members of the committee. There are two or three phases, however, I want to emphasize, and one in particular.

We who were on the Interstate and Foreign Commerce Committee last year went through a rather trying time over railroad labor legislation. Out of that controversy the railroad executives and the railroad employees were convinced they were sure to get some legislation they did not want from Congress, so they were perfectly willing to get together and draw a bill that would come as near as possible to what they wanted, at the same time protecting the public to the fullest extent. They came before us in absolute sincerity, both the executives and the employees, and presented this bill; and before I go any further, let me say, and I want to emphasize the fact, there is not one single thing in the interstate commerce law that is abrogated or changed by this bill. Every power that the public has now the public will retain if this bill is passed. [Applause.]

There are two ways of looking at labor legislation. There are two schools of thought. There is the school that believes in force, which has been tried and tried unsuccessfully in many countries, and never successfully anywhere; and there is also the school that believes these questions must be settled by agreement and by arbitration and by conciliation.

This bill was drawn on the theory from start to finish of conciliation, arbitration, and agreement, and allow me to say also that the men who drew the bill in two different places have put force into it themselves, not by coercion; it is not put in by the force of Congress. I mean it was not instigated by the force of Congress, but when the board of arbitration reaches an agreement that is a decree of a court. When one of the adjustment boards reaches an agreement that is also a decree of a court, but it is a decree of a court that these people decide on themselves.

There has been a lot said about the public not being protected. In 15a of the transportation act I believe there is ample protection for the public. There is certainly as much protection as you have right now. We have now the Railroad Labor Board, which is section 3 of the transportation act. Both the carriers and their employees have said they would not submit one single question to the Labor Board. The Supreme Court has decided that the Labor Board has no power to enforce its decrees; absolutely none. Gentlemen stand here and say that the Labor Board has the right to suspend an agreement on wages. Theoretically that is absolutely true; practically it does not amount to a thing. I might just as well say that a railroad and its employees can not make an agreement on wages as the Labor Board. It would have exactly the same weight.

There have been cases where decisions have been asked of the Labor Board, but the Labor Board did not issue a decree. Why? It is perfectly simple, because every decision of the Labor Board that has been appealed and has gone to the Supreme Court has been decided against the Labor Board, holding they did not have the power to enforce their decrees.

The gentlemen who were in Congress when the transportation act was enacted will remember very well how section 3 was written. It is very well to say it is an act of Congress and we considered it, but, as a matter of fact, we did not. The House passed a bill very similar to the bill we are now considering. It went over to the Senate. The Senate took absolutely the other horn of the dilemma, and put in a bill which had force in it, and the conferees wrote section 3 and it was simply brought in and adopted without 10 per cent of the membership of the House knowing anything about it at all. This is really the history of section 3 of the transportation act.

I want to point out one thing more before I conclude. We are dealing with one of the greatest human problems that civilization knows, and that is the relationship of the employee and the employer. It is one of the most delicate questions we have to contend with, and it seems to me when the employer and the employee come together and say that here is a scheme which will work, it is certainly our duty to give that scheme at least a chance, because if it does not work the next Congress can amend it, and if you want to put teeth in it, as some of the opponents of this bill want to do with reference to this bill, we are not foreclosed from putting teeth in the bill at a future date if it is found necessary.

Many gentlemen are loath to see the Railroad Labor Board abolished. Why? Because there is language in the Railroad Labor Board provision whereby if you will put in just a few extra words and provide certain penalties you can put teeth into the provision. But I do not believe, and I do not think

the Congress of the United States believes, we should put compulsory arbitration into effect in this country. This is a free country. [Applause.] This is not a country where we are going to make men work by force when they do not want to work.

Something was said about the trains running. I would like to ask some of the gentlemen who made the statement how if a crew of men are asked to take out a train and do not want to go, how it is possible to force them to take it out. I do hold that if the train carries the United States mail it has got to go through; but if you can devise any law that will make men take out a train against their will, I think you will have to revise the Constitution of the United States and human nature besides.

Mr. WINGO. Will the gentleman yield?

Mr. PARKER. Certainly.

Mr. WINGO. There is a clear distinction between an engineer—to use the gentleman's illustration—who voluntarily accepts his call and then fails to discharge his duty and an engineer who refuses to go out when he is called and requires the railroad to call some substitute engineer. In the first place, when he accepts the call and takes charge of the train there is a duty on him to the public and to his employers to discharge that duty in such a manner as not to jeopardize either the life of the people or to interrupt traffic. But there is no power, no force in legislative enactment, that can compel an engineer to get out of bed and take out a train.

Mr. PARKER. That is the idea I was trying to express, and the gentleman has done it much better than I could.

Mr. BEEDY. For the purpose of the record I want to say that I agree absolutely in that view.

Mr. PARKER. Now, gentlemen, this is not a perfect bill. There are many faults, undoubtedly, in this legislation; but you are face to face not with a condition, you are face to face with a wage demand. I do not know what the estimate is; some of the violent opponents have placed it at \$500,000,000, but I will say, perhaps, \$25,000,000 or \$30,000,000; but, nevertheless, it is a material increase in wages. The representatives of the carriers and of the employees come before us and they say this bill will work. It is now up to us to give them a chance to find out if it will work. If it does not work, we can write a law that, perhaps, will work; but I doubt very much, indeed, if compulsion will ever work.

They talk about the Erdman Act and the Newlands Act. This law we are proposing contains every single good clause in both the Erdman Act and the Newlands Act and many other clauses besides.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BARKLEY. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. PARKER. You have heard many objections to section 10. That is the section relating to the emergency board; and let me say a word about that. The Board of Mediation, at any time they see fit during any controversy, can go to the President and say that they believe it is wise for him to appoint an emergency board. Now, as I said before, you are dealing with the human passions; you are dealing with men that are fighting for their lives. There is nothing more intense than a man who is working hard and wants to make money to support his family. We all sympathize with that spirit. He believes he is right in every contention he makes.

But if you let the controversy go until he sees red you never can settle it. If you start at the beginning before he gets set, before he gets mad, you have a very good possibility of reaching a settlement by agreement, and that is exactly what this bill does.

At any time when the Board of Mediation should say to the President that they believe an emergency exists he will appoint the board. It is not going to be for any petty offense, it is going to be some national crisis. It is not going to be where you want a petty jury. It is going to be a national wage proposition, or hours of labor, or some big question that comes before the public.

Without doubt he will appoint the highest class of men he can find. There was a suggestion by one of the committee why should not the report be made public? I will tell you why. Let me illustrate. Suppose for a moment that your emergency board should sit and should find that the carriers were absolutely wrong and the board were going to decide against the carriers. Do you not believe that if the President should send for the carriers and show them the report that was going

to be made public that it would be very much easier to get the carriers to agree than to take them by the neck and say you must? I do. And it will work just the same with labor. If you can show people they are in the wrong, I believe they are very much more liable to give in to what is right than they are under efforts of compulsion. That is why the publicity clause was not put in the emergency board proposition. But there is no reason in the world why the President can not make it public any minute he wants to in his discretion. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired. All time has expired, and the Clerk will read.

The Clerk read as follows:

BOARD OF MEDIATION

SEC. 4. First. There is hereby established, as an independent agency in the executive branch of the Government, a board to be known as the Board of Mediation and to be composed of five members appointed by the President, by and with the advice and consent of the Senate. The terms of office of the members first taking office shall expire, as designated by the President at the time of nomination, one at the end of the first year, one at the end of the second year, one at the end of the third year, one at the end of the fourth year, and one at the end of the fifth year, after January 1, 1926. The terms of office of all successors shall expire five years after the expiration of the terms for which their predecessors were appointed; but any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the unexpired term of his predecessor. Vacancies in the board shall not impair the powers nor affect the duties of the board nor of the remaining members of the board. A majority of the members in office shall constitute a quorum for the transaction of the business of the board. Each member of the board shall receive a salary at the rate of \$12,000 per annum, together with necessary traveling expenses and subsistence expenses, or per diem allowance in lieu thereof, subject to the provisions of law applicable thereto, while away from the principal office of the board on business required by this act. No person in the employment of or who is pecuniarily or otherwise interested in any organization of employees or any carrier shall enter upon the duties of or continue to be a member of the board.

A member of the board may be removed by the President for inefficiency, neglect of duty, malfeasance in office, or ineligibility, but for no other cause.

Second. The board shall annually designate a member to act as chairman. The board shall maintain its principal office in the District of Columbia, but it may meet at any other place whenever it deems it necessary. The board may designate one or more of its members to exercise the functions of the board in mediation proceedings. Each member of the board shall have power to administer oaths and affirmations. The board shall have a seal which shall be judicially noticed. The board shall make an annual report to Congress.

Third. The board may (1) appoint such experts and assistants to act in a confidential capacity and, subject to the provisions of the civil service laws, such other officers and employees, and (2) in accordance with the classification act of 1923 fix the salary of such experts, assistants, officers, and employees, and (3) make such expenditures (including expenditures for rent and personal services at the seat of government and elsewhere, for law books, periodicals, and books of reference, and for printing and binding, and including expenditures for salaries and compensation, necessary traveling expenses and expenses actually incurred for subsistence, and other necessary expenses of boards of arbitration, in accordance with the provisions of section 7) as may be necessary for the execution of the functions vested in the board, or in the boards of arbitration, and as may be provided for by the Congress from time to time. All expenditures of the board shall be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman.

Mr. RAYBURN. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. RAYBURN: Page 8, line 12, strike out the figures "\$12,000" and insert in lieu thereof the figures "\$10,000."

Mr. RAYBURN. Mr. Chairman, an amendment to this effect was offered in the committee by the gentleman from Arkansas [Mr. PARKS], who, by the way, is unable to be present at this time, and who asked me to state for him during the consideration of the bill that if he were here or if it were possible for him to be here during the consideration of the bill, he would vote for its passage.

It seems to me that a salary of \$10,000 is sufficient not only for the work that the members of this Mediation Board would be called upon to do, but also that we may be able to get men

of sufficient character and sufficient ability to administer whatever functions are placed upon them at that salary.

Under the acts passed before Title III of the transportation act of 1920 the salary of these men, as I remember, was \$7,500 per year. The salary of members of the present Railway Labor Board is \$10,000 per year. I have been around this Capitol for several years, and I have never found any \$10,000 a year jobs going vacant. I think there are hundreds of men who come to Washington seeking employment to-day, and will in every administration, who are willing and ready to accept positions with just as much responsibility as this at much less salary than \$10,000 per year. There are very few boards or commissions in the Government where the salary is more than \$10,000 per annum. I do not believe that under this bill the salary of \$12,000 a year is justified, and that is my reason for offering the amendment. [Applause.]

Mr. PARKER. Mr. Chairman, the gentleman from Texas [Mr. RAYBURN] said that the members of the Railway Labor Board get \$10,000 a year. That is true, and they are \$10,000-a-year men. This question was very thoroughly discussed in the committee, and we believe that the type of men that we should have for these particular positions should be \$12,000-a-year men and not \$10,000-a-year men. Perhaps it is wrong to estimate a man's ability by his earning capacity, but nevertheless that is the yardstick by which a man's ability is measured by the public. It is his ability to earn compensation; I do not care what his occupation is or in what walk of life he may be. If this law is going to work, we must have the very highest type of men possible to procure, and I do not believe that \$12,000 a year is a bit too much. I hope the gentleman's amendment will not prevail.

Mr. BLANTON. Mr. Chairman, I offer the following substitute, which I send to the desk and ask to have read.

The Clerk read as follows:

Substitute amendment offered by Mr. BLANTON to the amendment offered by Mr. RAYBURN: Strike out the figures "\$10,000" and insert in lieu thereof the figures "\$7,500."

Mr. BLANTON. Mr. Chairman, the gentleman from New York [Mr. PARKER] estimates a man's ability by the kind of salary that the Government pays him.

Mr. PARKER. Oh, I beg the gentleman's pardon. That is not the statement that I made.

Mr. BLANTON. I can not agree with him. I think that this Government has some of the best talent in the Nation serving as United States Senators to-day and they get only \$10,000, and have to spend a lot of it in campaigning. I am one of those who believe that in the House of Representatives, of 435 Members, the Government has some of the best talent in the Nation who were serving at \$10,000 a year, and they served here for years at \$7,500 a year, and for years before that at \$5,000 per year.

Mr. PARKER. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Not now.

Mr. PARKER. I think the gentleman should quote me correctly. I said the public.

Mr. BLANTON. Well, he is mistaken. The public does not estimate that way. The gentleman was in hopes of getting \$12,000-a-year men.

Mr. PARKER. I said the public.

Mr. BLANTON. I am now talking about the public. I am talking about the Government of the United States and the real people who are going to pay these \$12,000 salaries, and the benefits that we hope will come from the service of these men.

We have some of the finest, skilled technical experts in this Government to-day who are working here in Washington for \$6,000 and \$7,500 per year. We have some of the finest in the world who are working for \$7,500 a year.

I am willing to accept the Rayburn amendment and pay them \$10,000 a year, the salary of a United States Senator, but I am not willing to pay them \$12,000 a year. After these five men are appointed, I guarantee that I will be able to show this House that at least three-fifths of them, at \$7,500 per year, would be getting as much as they ever got before in their lives.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Always to the distinguished gentleman.

Mr. COOPER of Wisconsin. When these parties come together before the Board of Mediation, the railroads, which, as one gentleman said, represent an investment of \$20,000,000,000, will have some of the foremost lawyers in the world representing them?

Mr. BLANTON. Yes; but these are not lawyers in court, but mere little mediators and conciliators.

Mr. COOPER of Wisconsin. Wait a moment.

Mr. BLANTON. Do not take up all of my five minutes, please.

Mr. COOPER of Wisconsin. The people to whom they must listen will be the best lawyers in the world.

Mr. BLANTON. I can not yield further. Do you know what the first mediator received under the Erdman Act? He received \$10 a day. Do you know what the next one, under the Newlands Act, received? Seven thousand five hundred dollars a year, and he was a good one, Charles P. Neill, one of the best that we have ever had.

Mr. PARKER. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I regret that I have not the time. The hardest work I ever did in my life was done during the few years that I served as a circuit judge in Texas, trying men for their lives, at \$3,000 a year salary, and I worked just as hard as if I had been getting \$25,000 a year. It is all in the man—it is all in what is inside of the man—as to what kind of service he is going to give the Government. You can get just as good men for \$10,000 to serve in this capacity as you can get for \$50,000 if you will hand pick them.

Mr. PARKER. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. PARKER. The gentleman knows, of course, that the purchasing power of the dollar to-day is about the purchasing power of 50 cents before the war?

Mr. BLANTON. I know what it is. I have paid rent here in Washington for years, and I say that a man can live on \$10,000 a year. This is a five-year job.

He does not have to pay money and expenses in political campaigns with an election every two years. These men will get a job at \$10,000 net, while a Congressman and Senator pays out much of his to come to Congress. The gentleman would have us believe when we get home we should tell our people they should not expect good service from us because we get only \$10,000.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARKLEY. Mr. Chairman, I rise in opposition to the amendment and the substitute. I also regret to differ from my friend and colleague the gentleman from Texas [Mr. RAYBURN], but I am forced to do so on this occasion because I think the salary which is fixed in the bill is the proper salary which ought to be carried. Now, in the first place, there are only five members on this board; and if you reduce it from \$12,000 to \$10,000, you only save \$10,000 in all in the creation of this Board of Mediation. I am not uneasy that this \$10,000, if it is paid to these mediators, is going to interfere with a further reduction of taxes for the people of the United States in the future. Another thing, you can not judge the value of the service of men on a board like this by calling attention to the salaries of Members of Congress. Men come to Congress in the hope that they will make a career here. Men come here who are ambitious for the honor, the distinction, and the fame which they hope to acquire, and that has more to do with their desire to be elected to Congress than the salary which is attached to that office. These men who are going to compose this Mediation Board ought not to be men who seek it, and I hope the President of the United States will not appoint any man on that Mediation Board who comes down here or sends any influence down here in behalf of his application for an appointment. [Applause.] These are men who ought to be drafted into the public service by reason of their experience and judgment and by reason of the standing which they occupy in the community and in the Nation, and they ought not to be required, as they will be, to give up their business; men who may never have been in politics or held any office—as I say, they ought not to be required to give up their business and come here and serve even for five years as a matter of public duty without compensation that will at least enable them to live decently while in the city of Washington.

Reference has been made to the fact that under the Newlands Act \$7,500 was the salary. If this be the criterion, then \$12,000 now would not be an exorbitant salary. If those who served under the Newlands Act were worth \$7,500, \$12,000 is a fair salary now. Reference has been made to the Railroad Labor Board. We know why the Railroad Labor Board has fallen down. Some of the appointees of the Railroad Labor Board have been, in some cases, men who have held political office, who have been more or less discredited in their communities after holding public office, who were political lame ducks, and who were placed on the Labor Board in order to pay political debts.

Mr. SCHAFER. Will the gentleman yield for one moment?

Mr. BARKLEY. I do not want the gentleman to take up my time. I will yield.

Mr. SCHAFER. Does not the gentleman think we should put a proviso on this bill right here now that no lame duck or politician should be appointed to these positions to carry out the gentleman's argument?

Mr. BARKLEY. I do not think it is necessary to legislate on this lame-duck subject, but I would certainly expect the President to select men who would be able to draw men together, able to get men to meet. The gentleman from Texas refers to his service on the bench at \$3,000 a year. I am satisfied if he worked as hard upon the bench as he does here he earned that \$3,000, but as a mediator I do not think the gentleman from Texas would be qualified to be on this board at any price. [Laughter.] So much, Mr. Chairman, for that, and I hope that this amendment and the substitute will be voted down and the salary be left sufficient to induce men of character and standing to serve. [Applause.]

The CHAIRMAN. The question is on the substitute for the amendment offered by the gentleman from Texas—

Mr. BLANTON. Mr. Chairman, I understand it will strengthen the Rayburn amendment, so I will withdraw mine.

The CHAIRMAN. The question is on the amendment of the gentleman from Texas [Mr. RAYBURN].

The question was taken, and the Chair announced the yeas appeared to have it.

On a division (demanded by Mr. RAYBURN) there were—ayes 52, yeas 77.

So the amendment was rejected.

The Clerk read as follows:

PROCEDURE IN CHANGING RATES OF PAY, RULES, AND WORKING CONDITIONS

SEC. 6. Carriers and the representatives of the employees shall give at least 30 days' written notice of an intended change affecting rates of pay, rules, or working conditions, and the time and place for conference between the representatives of the parties interested in such intended changes shall be agreed upon within 10 days after the receipt of said notice, and said time shall be within the 30 days provided in the notice. Should changes be requested from more than one class or associated classes at approximately the same time, this date for the conference shall be understood to apply only to the first conference for each class; it being the intent that subsequent conferences in respect to each request shall be held in the order of its receipt and shall follow each other with reasonable promptness. In every case where such notice of intended change has been given, or conferences are being held with reference thereto, or the services of the Board of Mediation have been requested by either party, or said board has proffered his services, rates of pay, rules, or working conditions shall not be altered by the carrier until the controversy has been finally acted upon, as required by section 5 of this act, by the Board of Mediation, unless a period of 10 days has elapsed after termination of conferences without request for or proffer of the services of the Board of Mediation.

Mr. PARKER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having assumed the chair, Mr. MADDEN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 9463) to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes, had come to no resolution thereon.

Mr. DENISON. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent to proceed for two minutes. Is there objection? There was no objection.

Mr. DENISON. Mr. Speaker, there are a good many Members of the House here and I want to present to the House and have printed in the RECORD a substitute amendment which I expect to offer for the so-called Hoch amendment, so that the Members may have a chance to read it to-morrow.

Mr. BLACK of Texas. Let it be read now.

The SPEAKER. Without objection, the amendment will be read.

Mr. MAPES. Mr. Speaker, I did not understand what was proceeding.

The SPEAKER. The gentleman from Illinois asked unanimous consent to have read for information of Members the amendment he proposes to submit.

Mr. MAPES. Was that a unanimous-consent request?

The SPEAKER. Yes. It is to be read only for information. The Clerk will read.

The Clerk read as follows:

Amendment offered by Mr. DENISON: Page 24, line 20, after the word "parties," add a new paragraph, as follows:

"Nothing in this act shall be construed to repeal any of the provisions of section 15a of the interstate commerce act, or to change or abridge any powers or duties granted to the Interstate Commerce Commission therein."

Mr. BLANTON. Mr. Speaker, I have a short amendment which I think is important. I ask unanimous consent that it be read for the information of the House.

The SPEAKER. The gentleman from Texas asks unanimous consent that an amendment which he proposes to offer be read for the information of the House. Without objection, the Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 27, line 5, after the word "consent," strike out the period, insert a colon and the following proviso, to wit: "Provided, however, That nothing in this act shall be construed to require the carrier to accept back in its employment, or to recognize former seniority any employee who exercises his prerogative, and quits his job and refuses to render service."

REFERENCE OF A BILL

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent that Senate bill 2334, now on the Union Calendar No. 117, be taken from the calendar and rereferred to the Committee on Indian Affairs.

The SPEAKER. The gentleman from Montana asks unanimous consent that Senate bill 2334, now on the Union Calendar No. 177, be taken from the calendar and rereferred to the Committee on Indian Affairs. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object, is that agreeable to the committee?

Mr. LEAVITT. Yes; I can speak as the chairman of the committee.

Mr. GARRETT of Tennessee. As the chairman of the committee?

Mr. LEAVITT. Yes.

Mr. GARRETT of Tennessee. The minority members have been consulted?

Mr. LEAVITT. Yes.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT

Mr. PARKER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 15 minutes p. m.) the House adjourned until to-morrow, Saturday, February 27, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for February 27, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10 a. m.)

District of Columbia appropriation bill.

COMMITTEE ON THE DISTRICT OF COLUMBIA

(10.30 a. m.)

Relating to assuring compensation for accidental injuries or death of employees in certain occupations in the District of Columbia (H. R. 4).

To create in the District of Columbia an insurance fund for the benefit of employees injured and the dependents of employees killed in employment, providing for the administration of such fund by the United States Employees' Compensation Commission, and authorizing an appropriation therefor (H. R. 487).

To amend the Code of Law for the District of Columbia in relation to the qualifications of jurors (H. R. 5823).

COMMITTEE ON MILITARY AFFAIRS

(11 a. m.)

To amend section 4826 of the Revised Statutes of the United States as amended (H. R. 6534), providing managers for the National Home for Disabled Volunteer Soldiers.

For the appointment of four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers (H. J. Res. 44).

For the appointment of Harry H. Holt, of Virginia, as a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers (H. J. Res. 3).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SHREVE: Committee on Appropriations. H. R. 9795. A bill making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1927, and for other purposes; without amendment (Rept. No. 388). Referred to the Committee of the Whole House on the state of the Union.

Mr. BUTLER: Committee on Naval Affairs. H. R. 9690. A bill to authorize the construction and procurement of aircraft and aircraft equipment in the Navy and Marine Corps, and to adjust and define the status of the operating personnel in connection therewith; without amendment (Rept. No. 389). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SWOOPE: Committee on War Claims. H. R. 2237. A bill for the relief of Leslie Warnick Brennan; without amendment (Rept. No. 390). Referred to the Committee of the Whole House.

Mr. SWOOPE: Committee on War Claims. H. R. 9035. A bill for the payment of claims for damages to and loss of property, personal injuries, and for other purposes incident to the operation of the Army; without amendment (Rept. No. 391). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. S. 1481. An act to authorize the President to appoint Capt. Curtis L. Stafford a captain of Cavalry in the Regular Army; without amendment (Rept. No. 392). Referred to the Committee of the Whole House.

Mr. JOHNSON of Indiana: Committee on Military Affairs. H. R. 3382. A bill for the relief of Louis Martin; with an amendment (Rept. No. 393). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 5293. A bill to authorize the President, by and with the advice and consent of the Senate, to appoint Capt. George E. Kraul a captain of Infantry, with rank from July 1, 1920; without amendment (Rept. No. 394). Referred to the Committee of the Whole House.

Mr. HILL of Maryland: Committee on Military Affairs. H. R. 9775. A bill for the relief of Sherman Miles; without amendment (Rept. No. 395). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (S. 1755) for the relief of Francis J. Young; Committee on Claims discharged, and referred to the Committee on Foreign Affairs.

A bill (H. R. 9586) granting an increase of pension to Josephine Peck; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SHREVE: A bill (H. R. 9795) making appropriations for the Department of State and Justice and for the judiciary, and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1927, and for other purposes; committed to the Committee of the Whole House on the state of the Union.

By Mr. FREE: A bill (H. R. 9796) to provide further for the relief of war-minerals producers, and to amend the act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919, as amended; to the Committee on Mines and Mining.

By Mr. DREWRY: A bill (H. R. 9797) for improvement of Appomattox River, Va.; to the Committee on Rivers and Harbors.

By Mr. BROWNE: A bill (H. R. 9798) to provide for the development of hydroelectric power on the rivers within the Menominee Reservation, in the State of Wisconsin, from tribal

funds and for the benefit of the Indians of the said reservation; to the Committee on Indian Affairs.

By Mr. MacGREGOR (by request): Joint resolution (H. J. Res. 181) to state the Monroe doctrine; to the Committee on Foreign Affairs.

By Mr. HILL of Alabama: Resolution (H. Res. 150) directing the Secretary of War to report to the House of Representatives the total number of commissioned officers on the retired list, and for other purposes; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOWMAN (by request): A bill (H. R. 9799) granting an increase of pension to Martha Wilson; to the Committee on Invalid Pensions.

By Mr. BOYLAN: A bill (H. R. 9800) for the relief of Charles F. Brown; to the Committee on Claims.

By Mr. CARTER of Oklahoma: A bill (H. R. 9801) granting an increase of pension to Martha Webster; to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 9802) granting an increase of pension to Mary E. Woodward; to the Committee on Invalid Pensions.

By Mr. DREWRY: A bill (H. R. 9803) for the relief of Frank Stinchcomb; to the Committee on Naval Affairs.

By Mr. FREE: A bill (H. R. 9804) for the relief of the Pacific Steamship Co., of Seattle, Wash.; to the Committee on Claims.

By Mr. FAUST: A bill (H. R. 9805) granting an increase of pension to Sarah A. Augustine; to the Committee on Invalid Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 9806) granting an increase of pension to Eliza S. Smith; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 9807) granting an increase of pension to Clarinda Cooper; to the Committee on Invalid Pensions.

By Mr. GASQUE: A bill (H. R. 9808) to provide a preliminary survey of Lumber River and Little Pee Dee River in South Carolina with a view to the control of its floods; to the Committee on Flood Control.

Also, a bill (H. R. 9809) to provide a preliminary survey of Lynchs River in South Carolina with a view to the control of its floods; to the Committee on Flood Control.

By Mr. HALL of Indiana: A bill (H. R. 9810) granting a pension to Minnie A. Meyer; to the Committee on Pensions.

Also, a bill (H. R. 9811) granting a pension to Jennie J. Pearson; to the Committee on Pensions.

By Mr. HAMMER: A bill (H. R. 9812) granting an increase of pension to J. R. Embler; to the Committee on Pensions.

By Mr. HAWES: A bill (H. R. 9813) granting an increase of pension to Elizabeth Carr; to the Committee on Invalid Pensions.

By Mr. HUDSPETH: A bill (H. R. 9814) granting a pension to James L. McElroy; to the Committee on Pensions.

By Mr. MENGES: A bill (H. R. 9815) granting an increase of pension to Sarah M. Harbolt; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 9816) granting an increase of pension to May Evelyn Wise; to the Committee on Pensions.

By Mr. REED of New York: A bill (H. R. 9817) granting an increase of pension to Polly B. Warner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9818) granting an increase of pension to Jennie Read; to the Committee on Invalid Pensions.

By Mr. SEARS of Nebraska: A bill (H. R. 9819) for the relief of Clotilda M. Hanna; to the Committee on Naval Affairs.

By Mr. SPEAKS: A bill (H. R. 9820) for the relief of the C. M. Chaffee Brokerage Co.; to the Committee on Claims.

By Mr. STRONG of Kansas: A bill (H. R. 9821) granting a pension to Annetta L. Pruden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9822) granting an increase of pension to Ellen Hogan; to the Committee on Invalid Pensions.

By Mr. SWEET: A bill (H. R. 9823) granting an increase of pension to Ann McCormick; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 9824) granting an increase of pension to Eliza S. Long; to the Committee on Invalid Pensions.

By Mr. MacGREGOR: Resolution (H. Res. 149) to pay salary and funeral expenses of deceased employees of the House of Representatives; to the Committee on Accounts.

By Mr. MURPHY: Resolution (H. Res. 151) to pay additional compensation to the majority and minority floor managers of telephones; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

828. Resolution of the Iowa Corn and Small Grain Growers' Association, favoring and urging the passage of bills providing for the staining of imported red-clover seed; to the Committee on Interstate and Foreign Commerce.

829. By Mr. ALLGOOD: Petition of the following representatives of the Legislature of the State of Alabama—F. E. St. John, J. C. Inzer, A. A. Griffith, S. B. Sloan, C. S. Culver, and Frank B. Embry—indorsing the action of the United States Senate in striking out the inheritance or estate-tax provision of the revenue bill; to the Committee on Ways and Means.

830. By Mr. BOYLAN: Petition of Catholic Central Verein, New York Local Branch, opposing the Curtis-Reed education bill now before Congress; to the Committee on Education.

831. By Mr. BRUMM: Papers in support of House bill 9575, granting a pension to John Hutton; to the Committee on Pensions.

832. By Mr. BYRNS: Affidavit in support of House bill 9135, for the relief of Natalie Summers; to the Committee on Claims.

833. By Mr. FULLER: Petition of the Disabled Volunteer Soldiers of the war with Spain, urging early and favorable consideration of House bill 98; to the Committee on Pensions.

834. By Mr. GALLIVAN: Petition of Thomas A. Coughlin, 16 Kempton Street, Boston, Mass., recommending early and favorable consideration of House bill 7962, providing for an increase in the pay of laborers in the Postal Service; to the Committee on the Post Office and Post Roads.

835. By Mr. HOOPER: Petition of Dovillo Warner and 73 other residents of Sunfield, Mich., favoring increased rates of pension for Indian wars survivors; to the Committee on Pensions.

836. By Mr. LINTHICUM: Petition of W. List, secretary Brotherhood of Railroad Trainmen, Baltimore, favoring House bill 4013; to the Committee on Military Affairs.

837. By Mr. McSWEENEY: Papers in support of House bill 9149, granting a pension to Elizabeth Hart; to the Committee on Invalid Pensions.

838. By Mr. O'CONNELL of New York: Petition of the First Battalion, Naval Militia of New York, favoring the passage of House bill 9433, for the relief of Lieut. Alexander E. Metz; to the Committee on Naval Affairs.

839. Also, petition of the Major Louis B. Lawton Camp, No. 39, United Spanish War Veterans, Auburn, N. Y., favoring Spanish War pension legislation; to the Committee on Pensions.

840. Also, petition of Sidney F. Strongin, of Brooklyn, N. Y., favoring the passage of House bill 7907, to increase salaries of Federal judges; to the Committee on the Judiciary.

841. Also, petition of the Order of Railway Conductors and Brotherhood of Railroad Trainmen legislative boards, of New York State, favoring the passage of House bill 7180; to the Committee on Interstate and Foreign Commerce.

842. By Mr. WHITE of Kansas: Petition of J. H. Rankin and 52 other citizens of Kansas, in behalf of Richard T. Basye (H. R. 8507) and other survivors of the Indian wars, urging that Congress increase the rate of pensions to veterans of the Indian wars and their dependents; to the Committee on Pensions.

SENATE

SATURDAY, February 27, 1926

(Legislative day of Friday, February 26, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed a bill (H. R. 8815) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, in which it requested the concurrence of the Senate.